

The Constitution of Arizona



JOHN R. MURDOCK

Carl James
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Lempke.



Arizona State Flag

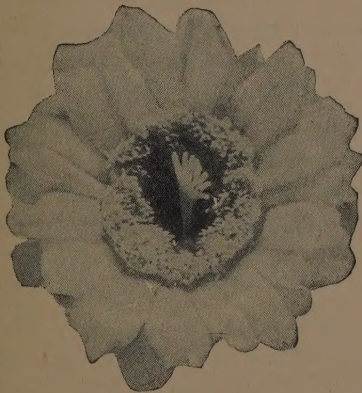


THE setting sun consisting of thirteen rays, alternate red and yellow, or red and gold, is in the upper half of the flag, the lower half being a plain blue field. Superimposed upon the center of the flag, in the face of the setting sun, is the copper colored star of Arizona. The flag in this way carries the State colors, the old Spanish colors and the distinctive copper color for Arizona.

GEORGE E. MAYCOCK

The Constitution of Arizona

By
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TEMPE, ARIZONA



STATE FLOWER
(Giant Cactus Blossom)

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PREFACE

An act of the Seventh Legislature of Arizona provided that "all public schools in this State which are sustained or in any manner supported by public funds shall give instruction in the essentials, sources and history of the United States Constitution, and of the Constitution of the State of Arizona." This little book has been prepared to meet the needs of pupils and of teachers in carrying out this law in so far as it pertains to the State Constitution.

The text was called into being at the request of C. O. Case, State Superintendent of Public Instruction, and was prescribed by him. It was then adopted, in manuscript form, by the State Board of Education as a free textbook for the upper grades. The author feels deeply appreciative of the kindly consideration of the State Superintendent and the other members of the State Board, and gratefully acknowledges the many helpful suggestions made by them.

The constructive criticisms of co-workers in the college field have been too numerous to mention. A distinct help in the preparation of the manuscript was given by several college professors of political science and history both within Arizona and elsewhere.

The greatest assistance has come from actual classroom teachers, or from those who were students of elementary education and who were thus in closer touch with junior high school pupils than was the author himself. Especially is he indebted to his wife, Mrs. Myrtle M. Murdock of the Phoenix Junior College; to Mrs. T. J. Cookson, of the State Teachers College at Tempe; and to Miss Dorothy L. Riggs, of Berkeley, California, for their painstaking criticism of the language and phraseology of the text.

He is further indebted to the following for their helpful recommendations as to language difficulty and teaching aids: Mr. John H. Barry, of the Emerson School at Phoenix; Mr. G. S. Skiff, of the Wilson District Rural School; Miss Elizabeth Terrill, of the Emerson School at Phoenix; Mrs. Malcolm Heffelman, of the Monroe School at Phoenix; Mrs. Pearl Williams, of Phoenix; and Mrs. Harry L. Woodley, of Tempe.

As a special favor to the author, Judge Windes, of the Superior Court of Maricopa County, a prominent member of the American Legion and one deeply interested in our public schools, volunteered to read portions of the manuscript, and his suggestions pertaining to statements of law and legal fact were invaluable.

The book has gone through several revisions in its manuscript form. The author has been the last to see its pages before it went to the publishers. While he wishes to acknowledge gratefully the help received from sympathetic friends, he must assume full responsibility for all errors of whatsoever kind. It is his earnest wish that this little book, whatever its shortcomings may be, will prove serviceable to teachers, and inspirational to pupils. One end has been kept in view, to create a high type of citizenship based on a knowledge of our fundamental law, and to inculcate a love for the commonwealth based on an appreciation of our political inheritance.

JOHN R. MURDOCK.

Tempe, 1929.

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CHAPTER I

WHY STUDY THE CONSTITUTION?

The Legislature of Arizona has thought it wise to require the study of the Federal Constitution and the Constitution of the State in our public schools. Now of what value is such a study that it should be required by law? It helps to prepare boys and girls for citizenship, and good citizenship is the biggest and best thing the schools can give to any State.

Since ours is a tax supported system of education, it is quite clear that the State has a right to require those subjects taught which will most effectively develop good citizens. Therefore, it is a common thing, not only in Arizona, but throughout the United States, to find laws requiring that history and government be taught in the public schools.

It is evident that the lawmakers of the past have seen a great need and have hoped to develop a love of country and a loyalty to its institutions by teaching its future citizens the plan of its political organization and the ideals for which it stands.

History Involved in This Study

The study of the Constitution is not primarily a study of history, but some history should be included. Our country, and especially that part of it which is called Arizona, has had a wonderful past. It thrills us to know what has been done for us before our day. We are more patriotic and loyal when we know and appreciate the story. A part of that history must be told in this volume in order that we may understand the reasons for some of the basic features of our government.

So then, we are to study the Constitution of Arizona, with

just enough history to make its provisions clear. Do not think that the study of the Constitution must be dry and dull. If we study it thoughtfully, it is very interesting. It comes close home to every one of us, too. It is a study of our government, its organization, and the human wisdom behind it all, to the end that we may live together contentedly and happily.

Natural Law and Social Law

Every junior high school pupil has already learned from his study of nature and science that the physical world in which he lives is governed by very exact and powerful laws. He knows that a violation of any of Nature's laws brings sure and quick punishment. A burnt child does not play with fire. On the other hand, the pupil knows how very useful fire is when properly handled. We must know the rules of the great game of Nature, or we cannot long survive. It may not be so evident, but there are laws in the social world in which we live that we must know and observe, just as we do those laws of the natural world about us. It is true that the laws governing society are made by man, and may not always be wise or just, but if they are wisely made, they are every whit as beneficial and interesting as the laws that govern inanimate things.

The Organic Acts

A knowledge of the Constitution itself is not entirely sufficient for a full understanding of our State government. There are certain laws of Congress on which the State Constitution rests; and, furthermore, there are certain laws of Arizona growing out of our State Constitution, all of which go to make up our constitutional government. To consider the relation of our State to the Federal government at Washington is too much of a task for us here, but we do need to

know about two laws passed by Congress which vitally affected the development of Arizona. These two laws are the "Organic Act of 1863" and the "Enabling Act of 1910." Let us see why those two are important.

For about fifteen years after the United States obtained this region from Mexico, Arizona was a part of the territory of New Mexico. It was a vast region, and the first capital was at Santa Fe. The pioneers who lived in this part of "New Mexico" felt that they were too far away from the seat of government and had too little to say in regard to governing themselves. Accordingly, they asked for a separation from New Mexico and for a government of their own. They begged Congress for this separation and finally the boon was granted in February, 1863, and the law creating Arizona Territory was passed by Congress. That law may be said to mark the birth of Arizona. We call it the "Organic Act of 1863."

A Long Territorial Period

For a long time, so it seemed to the settlers out here, Arizona remained a territory. Under this plan the inhabitants could do a few things toward governing themselves, but they were chiefly under the control of Congress. But Congress finally passed the "Enabling Act" on June 20, 1910, which paved the way for statehood. Before a territory can become a State, it is necessary for Congress to pass an act granting this privilege, since it is only through action of Congress that new States are admitted into the American Union. As New Mexico and Arizona both wished statehood, Congress included both in the Enabling Act of 1910. The first half of that law pertains to New Mexico, and the last half to Arizona. The main provision of the Enabling Act was that the two territories should draw up constitutions and in due time they would probably be admitted as States.

Not only did the Enabling Act make the admission of Arizona possible, but it laid down certain conditions which had to be provided for in the constitution when it was drafted. This means that there are certain things contained in the State Constitution which were first incorporated into the Enabling Act by Congress. From this it would seem that we must consider the Enabling Act not only a forerunner of, but an essential part of, the Constitution of Arizona.

To illustrate: the free public schools of Arizona, of which we are so justly proud, were really demanded for the new State by the provisions of the Enabling Act. No doubt we would have had these fine schools without that provision, but the Constitution simply enlarged upon the expressed requirements of the Enabling Act in regard to public education. The same is true of religious freedom and of other basic benefits.

The Rules of the Game

It will simplify our study of the Constitution if we think of it as a "rule book" by which all citizens and residents must be guided. We are familiar with rule books for the various games that are played on the school grounds. Every standard game has its book of rules, supposed to be so plainly stated that everyone can understand them. If, while playing a game, disputes arise, the rule book is the authority for determining what is the right thing to do. Sometimes the rules are changed. The rules of football have been greatly changed in recent years, probably with the view of improving the game generally.

The Constitution, as a rule book, should be understood and carefully observed by all, if we are to play the civic game of living together as peaceful and contented citizens of the State. Our State Constitution and our Federal Constitution deserve our admiration and respect. They deserve our respect

because they represent not only the will of our people, but the will of the people made into our highest law; they deserve our admiration to whatever extent great wisdom is found in them. It is just here that we need to know much of human history in order to judge whether these Constitutions are really wise "rule books" by which to live.

Things Human Subject to Change

Much as we respect our Federal and State Constitutions, we should remember that they were made by men—by men who were as apt to err as we are. If a game like football needs to be changed occasionally, it is all the more necessary that the great and intricate game of political and social life should be occasionally changed to meet changed conditions and increased knowledge of political and social affairs. Our Constitutions are not perfect, but they are precious—the best that the wisdom of the founders could provide for us. They may be amended, but they should be amended only with a caution and wisdom as great or greater than that of the men who originally drafted them. Citizens have the power to amend our Constitutions; therefore the citizens ought to understand them.

No State has gone further than has ours in allowing its voting citizens to take part in the business of governing. To vote and to take part in political life is not only a privilege but a duty—a duty which can be performed only by knowing what to do and how to do it. It is hoped that when you have finished a careful study of this book you will better understand the "rules of the game," and, understanding, be better able to play your part well.

CHAPTER I

FOR VOCABULARY BUILDING

constitutional government
federal constitution
federal government
will of our people
American Union
basic features
tax supported
Enabling Act
Organic Act
institutions
citizenship
inanimate
territory

CHAPTER II

THE CONVENTION OF 1910

The Enabling Act of June 20, 1910, was the result of a long struggle for statehood. After the passage of this Act, it seemed only necessary to have a convention to draw up a Constitution and admission would follow. Congress provided liberally for the expenses of such a convention. An election was called for September 12, 1910, and the Territorial legislature made arrangements for the selection of delegates to the convention. There were to be fifty-two of these delegates.

In those days the voters of Arizona were divided between the two great parties, Democrats and Republicans. Each of these old line parties was divided into groups having different ideas as to what should be done. For instance, the Republicans were divided into two factions, one being known as "Standpatters" and the other as "Insurgents." The Standpat Republicans were so called because they did not favor some of the proposed reforms which a large number of the other Republicans wanted. These Standpatters called the other members of their party Insurgents, because the Insurgents rebelled against the rule of the party and threatened to break away from it altogether, if they could not have their way.

The Democrats were divided among themselves. Some of those who were in favor of the latest proposed political reforms called themselves progressive, and looked upon the others as "moss-back" conservatives. These conservative Democrats felt that the progressive Democrats were socialistic, and had wild and visionary notions.

A Party Contest

The summer of 1910 was an exciting time politically in Arizona Territory. Each party put up its leading men in the different parts of the Territory, hoping to get them elected as delegates to the Convention. This Constitutional Convention was a very important meeting, because the group of delegates were to formulate the fundamental law of Arizona. It was an event to which Arizona had looked forward for many years. A constitution for a commonwealth is of tremendous importance because it constitutes the "rules of the game" by which all men in the commonwealth are to abide.

Of course there was a great difference of opinion as to what should go into the basic rules. The more progressive people felt that a liberal constitution ought to be created which would give the common citizens a great deal of power in managing affairs. The conservatives felt that the best government is one in which only the leading citizens are elected to office.

The result of the election of September 12, 1910, showed that forty-one Democrats and eleven Republicans had been elected to the convention. Of the forty-one Democrats, it was found that a majority were among the progressive, forward-looking branch of the party.

All Classes Represented

A constitutional convention should be made up of the ablest men in the State or territory, and the Constitution is more apt to be a worth while document if the members represent the various classes of society and the various interests in the commonwealth. It takes all kinds of people to make a good constitution. In this group of fifty-two men practically all professions were represented: lawyers, doctors,

ministers, business men and laboring men. Some were highly educated and others were self-made men. George W. P. Hunt was chosen to preside over the Convention.

Congress had appropriated one hundred thousand dollars toward the expenses of this convention. The convention was called for October 10, 1910, and was to finish its work within a period of sixty days.

No Verbatim Report

It is a matter of regret that we do not have a verbatim report of the work of the convention so that we could read every word spoken. It would help us greatly to know just what these men said as they discussed various proposals for the Constitution. At first the convention planned to have just such a complete report, and contracted with a gentleman for the sum of \$4,000 to make up the Journal. Stenographers and typists, however, were not very plentiful in Phoenix in 1910, and reporters who could take rapid-fire dictation were scarcer still, so the gentleman was unable to carry out his part for lack of competent help.

The official minutes of the convention are rather dry and uninteresting, and contain nothing but the motions made and the votes taken. Every student of American history knows that James Madison made our nation grateful to him by keeping an extensive and interesting record of the great Convention of 1787. The Arizona Convention, however, was not held behind locked doors and so we turn to newspaper accounts for our information. The materials for this chapter were gathered from the files of Arizona papers which were published from October 10 to December 9, 1910. Two able newspaper reporters of one of the leading Phoenix dailies "covered" the convention so as to make a reading of their accounts second only to attending the daily sessions.



CONSTITUTIONAL CONVENTION OF 1910

Feared Statehood Might Be Lost

There was considerable alarm among the conservatives lest a radical constitution would be made which would be rejected at Washington. It was well known that the President, Mr. Taft, would not look with favor upon a radical constitution. Not only did they fear that statehood might be lost, but that an extreme constitution might be framed which would make Arizona an unsafe place for men of wealth.

On the front page of a leading Arizona daily for October 9, 1910, a large cartoon appeared which pictured fairly well the fear of the conservatives. The cartoon was one of Æsop's Fables picturized. It showed a dog with a bone in his mouth looking down into a pool of clear water at his own shadow. The dog represented the convention, the bone was labelled "statehood." The shadow of the bone was called a "radical constitution." Underneath the cartoon was this question, "Will he drop the bone for the shadow?"

A leading statesman from Washington declared sometime before this, that if Arizona drafted a radical constitution, President Taft would not approve it, and statehood for Arizona would be delayed for another forty years.

Usual and Unusual Attachés

Although the United States Government paid the expenses of the convention to the extent of a hundred thousand dollars, more than that sum was needed. Not only did the members receive a per diem allowance, but a large number of persons were employed to help, such as clerks, stenographers, typists, pages and the Chaplain. Such helpers are usually referred to as attachés. For example, the President of the Convention had two young boys to serve as pages, and to make themselves useful when they were not otherwise occupied. A young

lady also served as a page in this convention, which was regarded as an unusual thing. It was the Chaplain's duty to open the daily sessions with prayer.

Work Divided Among Committees

The convention, in organizing for business, divided itself into a number of committees, each having a specific part of the Constitution to prepare. There was a committee of three to draft the preamble. One very important committee had in charge the final preparation of the Constitution. The chairman of this committee was Michael Cunniff from Yavapai County. Mr. Cunniff was a graduate of Harvard University, and had at one time been editor of a well known, high class magazine. His literary style was of the best. The superior literary quality of the finished Constitution is due to his editing.

Numerous Controversies

Not all was peaceful and harmonious within the convention, for when men of differing views and conflicting interests are assembled to get the benefit of their united judgment, they also bring with them their prejudices. There were several hotly contested controversies and even when the Constitution was completed, it was not satisfactory to all of the members, because it was necessary to compromise on some matters.

The advocates of woman suffrage wished to place in the Constitution a provision to give votes to women, but the convention was neither liberal enough nor progressive enough to grant their demands. The prohibition forces were strong in the Territory and sought to have state-wide prohibition inserted in the Constitution. While neither of these two provisions was adopted originally, both were put in later as amendments.

Perhaps the greatest contest in the convention arose over

the question as to whether or not the people should make laws by voting directly on them at the polls. Another contest arose over the question as to whether the voters might put an elective official out of office before the expiration of his term, by having a recall election. These provisions were regarded at that time as extremely modern, and were not at all favored by the conservative element, especially if the recall were to be made to apply to judges.

The Spirit of the Constitution

After sixty days of deliberation and discussion the Constitution was ready for the signatures of the members of the convention. Eleven of the members—and they were not all of one party—felt somewhat dissatisfied with the instrument and refused to sign it. The remaining forty-one members, although they may have given in on some of the compromises, attached their signatures.

The Constitution of Arizona is justly the pride of the liberal citizens of the State. They feel that it embodies the spirit of the builders of this southwest. They are not so much concerned with finespun theories of political philosophy as they are in having a “book of rules” that will secure justice to all in the complex industrial and social relations under which we live.

CHAPTER II

FOR VOCABULARY BUILDING

official minutes of convention

liberal constitution

radical constitution

per diem allowance

extreme democrats

fundamental law

united judgment

verbatim report

old line parties

recall election

conservatives

controversies

legal minds

prejudices

socialistic

attachés

suffrage

CHAPTER III

THE PREAMBLE

At the very beginning of the Arizona State Constitution is the "Preamble." What is a Preamble and why does the Constitution have one? The Preamble is a statement indicating who made the Constitution and for what purpose it was established. It usually contains some reference to God.

The Preamble of the Arizona Constitution is a single sentence. It has one main clause, known as the "Enacting Clause" and some modifying phrases. The "Enacting Clause" of the Arizona Constitution is: "We do ordain this Constitution." The modifying phrases are: "the people of the State of Arizona," and "grateful to Almighty God for our liberties." The whole Preamble reads as follows: "We, the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution."

The Preamble to the Constitution of the United States is somewhat longer and reads like this: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

The main clause, which reads, "We do ordain and establish . . ." is the Enacting Clause of the Federal Constitution. The modifying phrases, such as "to form a more perfect union, establish justice," etc., are six in number, and each is crowded full of historic meaning when we study the reasons for making that document.

Delegates Acted for the People

Fifty-two men met at Phoenix between October 10 and December 9, 1910, and made the Constitution of Arizona, yet these men were merely delegates with power to act for the people who sent them. A new State was being created and the sovereign power in that State was to be the people of the State. For that reason the Constitution must come from the people. That is the reason why the phrase, "the people of the State of Arizona," follows the first word.

Up to this time the people who had lived in Arizona were not in a State but in a territory of the United States. While Arizona was a territory, the governing power was at Washington and the people had little to say about governing themselves. All this was to be changed with statehood and the Preamble announces that henceforth the people are to make the law in Arizona. When one remembers the long territorial days of "carpet-bag" rule, when governors and judges in Arizona were appointed at Washington and sent from the east, one can almost imagine that that phrase in the Preamble is a shout of triumph which says: "The people of the State of Arizona do ordain this."

God Recognized in the Constitution

The phrase "grateful to Almighty God for our liberties" has quite an interesting history. Let us note how the Preamble was formulated in the Constitutional Convention of 1910. The committee to draft it was made up of three members: a clergyman; an indifferent church man; and a Free Thinker. There was much speculation before the committee brought in its report, as to whether or not the name of God would appear in the document. The Free Thinker was proud of his freedom and did not hesitate to tell the world about it. However, the

committee reported the following Preamble: "We, the people of Arizona, invoking the guidance of the Supreme Being, do ordain and establish this Constitution in order to perpetuate liberty and justice in our State, and provide for the peace and welfare of posterity."

After much discussion, the report of the committee was modified as follows: "We, the people of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution." There were some members who objected to the parenthetical phrase, "grateful to Almighty God for our liberties." They claimed that the Almighty should not be given full credit for our liberties, as men had to fight for them.

The modification of the wording of the original draft of the Preamble deserves further notice. The leaving out of these words, "in order to perpetuate liberty and justice in our state, and provide for the peace and welfare of posterity," may have been done not so much to make it brief, but because there was a deep-seated feeling that constitutions are made to provide governments with the power to do just those very things.

Invocation or Acknowledgment

The phrase about God was changed from an invocation of His guidance to an acknowledgment of His goodness in our behalf. No people have been more self-reliant, more dependent upon their own resources, than have the American pioneers, of whom the Arizona pioneers are good examples. However, the men and women who carved homes in this wilderness, in the making of their basic law, appropriately paid tribute to Almighty God under whose hand "we hold dominion over palm and pine."

The men of 1787 who made the Constitution of the United States were no less reverent, but it is an interesting fact to note that they omitted any reference to God in that great

instrument. We have not time here to explain why that was done, but it raises a question as to what other States in the American Union have done in regard to recognizing God in their constitutions.

Of the forty-eight State constitutions we find that forty-three in their preambles acknowledge the goodness of God, two make no reference to God in their preambles, and three States have no preambles to their constitutions. Thus it will be seen that Arizona in this brief preamble not only did the usual thing, but she did the finely appropriate thing in recognizing that this self-reliant and valiant people, though assuming full political power, exercised it under a still greater power. Arizona has been in the past a "bad land" of bad men, but the new Arizona is a land of churches and Christian homes, and it is in these homes that political power resides.

CHAPTER III

FOR VOCABULARY BUILDING

Constitutional Convention

governing power

sovereign power

"carpet-bag" rule

enacting clause

invocation

basic law

preamble

CHAPTER IV

STATE BOUNDARY LINES

On first reading Article I of the State Constitution, which deals with the boundaries of Arizona, one does not find it very interesting because of its complexity. The language of a legal document, such as a law or constitution, must be very exact. However, we can get the meaning, and a fair notion of the State boundaries, if we describe the lines in another way.

To put it in terms which used to be common in the schools, let us think of Arizona as "bounded on the east by New Mexico, on the north by Utah, on the west by both Nevada and California, and on the south by the Republic of Mexico." All the bounding lines are straight except that of the Colorado River on the west. With the exception of the diagonal line on the southwest, all of the straight lines bounding Arizona are parallels of latitude or meridians of longitude. In uninhabited parts of our country, or sparsely settled portions, we often make use of such geographical lines to mark off political subdivisions.

If you understand latitude and longitude, it is a simple matter to understand these bounding lines. It is true, the meridian on the east side and that on the west side have numbers that are hard to remember. But we do not need to remember them exactly. It will be enough for our purpose to know that Arizona, north and south, lies between the line thirty-one and one-third degrees north latitude, and the line thirty-seven degrees north latitude; and that, east and west, it is between the meridian thirty-two west, and the meridian thirty-seven west, from Washington.

When we say that the line on the east of Arizona is the

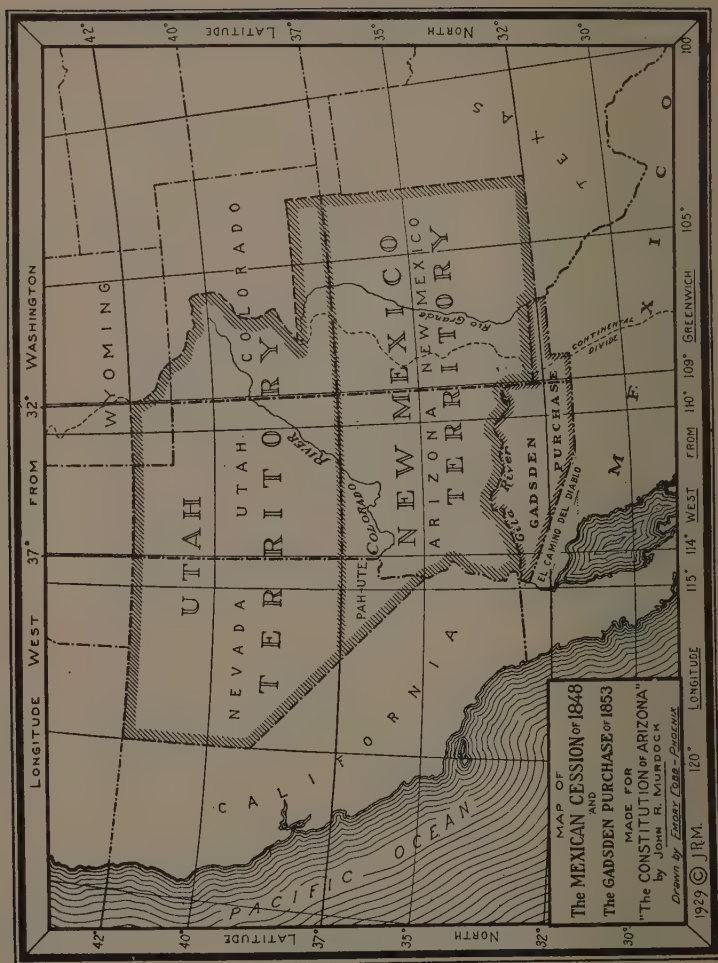
meridian thirty-two degrees west from Washington, and that the line on the west is the meridian thirty-seven degrees west from Washington, that is just another way of saying what the Constitution says in other words. Thirty-two degrees west from Washington is the same as one hundred and nine degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west from Greenwich. Sometimes longitude is measured from Greenwich, England, and sometimes, in this country, from Washington, D. C.

The State Constitution merely confirms the boundaries which were marked off by Congress in the Organic Act of 1863 and by the Gadsden Treaty. All of these lines were established long before statehood was granted to Arizona. For full and complete understanding of these boundary lines a careful study of the map should be made. By noting the map, it will be seen that Arizona is about six degrees long and five degrees wide. Since a degree is approximately seventy miles, the State is about 400 miles in length and less in width, though these are not very accurate measures.

Straight Lines Versus Crooked Lines

Let us say a word concerning the use of geographical lines for boundaries. A glance at the map of the United States, in contrast with the map of Europe, reveals the interesting fact that in our country the forty-eight political subdivisions are separated from each other very often by straight lines. These lines are "artificial boundaries" instead of "natural boundaries." By "natural boundaries" we mean rivers, mountains, seas, and the like, which are so extensively used to separate political subdivisions in Europe.

The use of artificial lines as boundaries in America is significant, as it means that we are far more peaceable over here than are the people of Europe. Over there they have



fought each other for ages and continue to fight, so they must protect themselves from their nearest neighbors by hiding behind such natural barriers as rivers and mountains. In this country the use of a river as a boundary line is merely for convenience, as in the case of the Colorado River between Arizona and California. Aside from that portion of the boundary marked by the Colorado River, Arizona is entirely surrounded by straight, artificial, geographical lines.

History of Boundaries

There is a reason for every boundary line established and it may be found in the history of Arizona Territory. Some portions of these lines have an intensely interesting history. For example, the diagonal line on the southwest toward Mexico and the straight line on the northwest toward California can be explained only by reference to the past. We shall consider each in detail after noting the reasons for the line on the north and for the one on the south.

Arizona a Part of the Mexican Cession

Arizona was obtained by the United States from Mexico at the close of the Mexican War, and later other territory obtained from Mexico by the Gadsden Purchase was added to our country. If we ignore the Gadsden Purchase for a moment we may say that Arizona was a part of the "Mexican Cession." Prior to the Mexican War, Mexico had owned all the land west of Texas as far north as the forty-second parallel of latitude.

When the United States found itself successful in the war with Mexico and likely to obtain a large amount of land, our officials earnestly desired to get from Mexico if possible the land as far south as the thirty-second degree of north latitude. This region along the thirty-second parallel was coveted

by us because it was less rugged than the rest and more suitable for a railroad, which our people hoped to build to the Pacific. In the negotiations for peace, then, our Government wished to obtain, and did obtain, from Mexico a grant of territory approximately ten degrees wide extending from Texas to the Pacific, known in American history as the Mexican Cession.

Parallel 37 a Divider

On first obtaining the Mexican Cession we thought of it as divided into three parts: California, lying along the Pacific coast, and the remainder divided into about two equal parts, known as Utah Territory and New Mexico Territory. Obviously if a region lying between the thirty-second and forty-second parallels is divided east and west into two equal parts, the natural dividing line would be the thirty-seventh parallel, and that is the simple reason why the thirty-seventh parallel is the northern boundary of Arizona. The northern half of this region lying just above the thirty-seventh parallel constituted the original Territory of Utah, or what is now Utah and Colorado. The region lying below the thirty-seventh parallel was the original Territory of New Mexico which included what is now New Mexico and Arizona.

Meridian 32 a Divider

New Mexico was a region so vast that it was necessary to divide it, so Congress by the Organic Act of 1863 separated Arizona from New Mexico, thereby giving Arizona a separate political existence. Before this time Utah had been divided into two parts by a line drawn at the thirty-second degree west from Washington. It was natural, then, in the division of New Mexico, that that line should be extended southward. In the Organic Acts of Colorado and also of Utah, as has just been said, the dividing line through the former Territory of

Utah was designated as the thirty-second meridian of longitude west from Washington. It is identically the same line which constitutes the eastern boundary of Arizona, but in the Constitution of Arizona it is numbered in degrees west from Greenwich.

Line Along the Devil's Highway

By the Treaty of Guadalupe Hidalgo we obtained the region lying north of the Gila River. However, as has been suggested before, our country needed some land that was suitable for the building of a Pacific railroad, and bought for that purpose a strip lying south of the Gila River. On first glance at the map of Arizona, it appears that we did not buy wisely, for nothing could seem more logical than that the southern line, which is the parallel thirty-one degrees, twenty minutes, north latitude, should run straight through to the west until it cuts the gulf of California. If that had been done, it would have given Arizona an outlet to the sea. Why was it not done?

The answer to the above question involves a great deal of American, Mexican and even Spanish history. Not to go too much into detail, we may state that the land of Arizona was long a part of the northern frontier of New Spain, just as California and New Mexico were parts of New Spain's northern border. Spanish colonization and settlement pushed slowly northward in the direction of California. For years the Spanish explorers sought to establish an overland connection between Sonora and the sea. Finally, Anza, one of the greatest of Spain's colonizers, found a way, which he called the Devil's Highway, from southern Arizona to the Pacific Ocean. It was over this route that in 1775 he led a band of 240 colonists from Tubac, Arizona, to found the settlement of San Francisco.

Mexico Would Not Sell

Terrible as was the Devil's Highway, the Spanish government, and later the Mexican government, valued it highly. Even in the distress following the complete conquest of Mexico by the armies of the United States, the Mexicans refused to give up that trail. We must give the Mexicans credit for being extremely patriotic and loyal to the best interests of their country.

Not being able to force this much coveted land from them, we attempted to buy it through Mr. Gadsden in 1853. At that time Mexico was in great need of money, and the usurper, the dictator Santa Anna, was unscrupulous enough to sell most anything. However, even Santa Anna dared not sell all the land at the head of the Gulf of California, thereby cutting off Mexico from land communication with her province, Lower California. Such in brief, is the historic explanation of why our southern border does not touch the Gulf. It veers to the northwest just enough to leave Mexico in possession of the Devil's Highway leading from Sonora around the head of the Gulf of California to Spanish California.

Arizona Loses a County

When Arizona was made a separate territory, the northern boundary was the thirty-seventh parallel west as far as California. Thus it will be seen by an inspection of the map that the triangular tip end of southern Nevada once belonged to Arizona. It is known as the Pah-Ute country, being named from some Indians living in that region. So we have the origin of Pah-Ute County. In 1866, only three years after Arizona had been given separate territorial existence, Congress saw fit to take away from her this piece of land and join

it to the State of Nevada. Arizona, being thus deprived, protested vigorously but with no result.

Why was Pah-Ute given to Nevada? The answer to this question brings in quite a bit of Nevada history. That remarkable State, known as the Sage Brush State, has had a great deal of trouble with her neighbors concerning her boundary lines. A prominent man from the State of New York (a very good personal friend of William H. Seward, Secretary of State in Lincoln's Cabinet) left the populous east to seek his fortune in the sage brush wilderness. He became in time governor of Nevada and through his political influence Nevada was admitted as a State into the Union. Later as United States Senator, he was very influential and had little difficulty in getting Congress to change the borders of Nevada even though these changes deprived neighboring territories of land much against their wishes. The Constitution of Nevada had placed the eastern boundary line of the State at the thirty-eighth meridian west from Washington. Now, just to the east of that line, in Utah, was a strip of land which Nevada wanted, so in May, 1866, the Senator from Nevada was responsible for shifting the borders of his State on the east and south. The line was placed at the thirty-seventh meridian west from Washington, and was extended south to the Colorado River, thus depriving Arizona of Pah-Ute County.

Boulder Canyon Dam Involved

Throughout Arizona history this region is referred to as "the lost county of Pah-Ute." Back in 1866 when Arizona had more territory than anything else, the loss of this bit of land did not seem so significant, but today it is quite a different matter. Much of the recent controversy between Arizona and California over the Boulder Canyon Dam appears to

hinge largely upon this point. California wishes the first great dam on the Colorado to be built far south, as near as possible to the city of Los Angeles. Arizona, on the other hand, has a scientific reason for wishing the first great dam built on the Colorado to lie higher up stream and also wholly within the State of Arizona. If we had the County of Pah-Ute, Arizona might offer less objection to the building of the Boulder Canyon Dam.

In tracing the boundaries of some of the historic nations of Europe, every turn of the line has a story connected with some battle, some victory, lost or won. In somewhat the same way, as you trace the line surrounding your State, you may call to mind some political or diplomatic battle which caused the boundary line to take that particular direction.

CHAPTER IV

FOR VOCABULARY BUILDING

negotiations for peace
political subdivision
geographical lines
political existence
Spanish government
Mexican government
Mexican cession
natural barrier
scrupulous
outlet to sea
legal document
Gadsden Treaty
coveted

CHAPTER V

POLITICAL AND PROPERTY RIGHTS FROM ANCIENT CHARTERS

The Declaration of Rights is found in Article II of the Constitution. This Declaration is, historically, by far the most valuable portion of the basic law. It is, for the most part, a restatement of those fundamental human rights which constitute the Anglo-Saxon heritage of political liberty.

However, about ten sections in the Declaration set forth modern principles of political and social justice not to be found in the ancient declarations, for the obvious reason that they pertain to conditions that did not then exist. We shall quote and explain the sections, not in the numerical order, but shall comment on the ancient principles first, reserving the ten having a more modern meaning for the last.

A Need of History

SECTION 11. "A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government."

In the history of Anglo-Saxon peoples there have been many struggles with arbitrary kings. Our forefathers contended with King George for the "inalienable rights of Englishmen." Even before the American Revolution, Englishmen in the Old Country had wrung their rights and liberties from tyrannical kings by force, or threat of force. The never-to-be-forgotten charters of Anglo-Saxon liberties are the Great Charter, or Magna Carta, the Petition of Right, the Habeas Corpus Act, the Bill of Rights, and the Declaration of Independence.

Other people who have also thrown off the power of kings

and adopted rule by the people have usually set forth democratic principles in some such statement as the French Declaration of the Rights of Man.

The Constitution of the United States contains a Bill of Rights. Each of the other forty-seven States has in its constitution a declaration of rights, or a bill of rights, so Arizona but reiterated these ancient safeguards of individual liberty. In spite of our study of history, each oncoming generation is apt to take too much for granted and to accept, unappreciatively, things as they are, forgetting the long struggle necessary to establish government by the people.

Power from the People

SECTION 2. "All political power is inherent in the people and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."

This statement reaffirms the democratic views of government expressed in the Declaration of Independence. The phrase "governments derive their just power from the consent of the governed" is taken from the Declaration itself. It was Jefferson's view that the principal business of government is to safeguard the individual in his rights. This is a fundamental reason for written constitutions, as they set the limits within which a government may act and thus protect the individual citizen against encroachment by that government.

Right of Petition

SECTION 5. "The right of petition, and of the people peaceably to assemble for the common good shall never be abridged."

The right of petition is as old as the struggle for English liberty. When our ancestors in England were contending

against despotic kings, they demanded the right to petition the king for a bettering of conditions, or as they expressed it, a "redress of grievances."

These statements in the Declaration of Rights are necessarily brief and quite general. On that account, they are sometimes a bit obscure. It is a question just how far the right of petition goes, and just how far the people have a right to assemble publicly. There have been cases in American history where the people have petitioned the government for one thing or another, which petitions the government received and then ignored. It does not follow that the government will act upon a petition merely because the petition is received. In recent years the right of the people to assemble publicly has been somewhat abridged, even in historic Boston.

Civil Government Rules Military

SECTION 20. "The military shall be in strict sub-ordination to the civil power."

In America, as in England, it is an accepted principle that the civil government is superior to the military government. In other words, the military power is but the arm of the civil power. Our President is commander-in-chief of the army and navy. Our Governor is commander-in-chief of the State militia. That arrangement, we think, is much better than having a general in charge who would be superior in command to the President, or within the State, superior in command to the Governor. Usually our governors and our presidents are not military men, but they can and do appoint military men to take active part in the field in time of war. It is sometimes said that it is a weakness in time of war to have the supreme command vested in a man who has not had military training. But we are willing to pay that price, if price it be, to avoid having in this country a Napoleon, or a Caesar. Germany

became a menace to the world in 1914 because in Germany the military power was made superior to the civil power.

Contracts Necessary

SECTION 25. "No law impairing the obligation of a contract shall ever be enacted."

The National Constitution forbids a State to pass any law impairing the obligation of contract. That was due to the fact that under the old Articles of Confederation certain State legislatures; namely, that of Rhode Island and others, passed laws in favor of the debtor class, staying the collection of debts and the foreclosing of mortgages. This was an injustice to creditors and is now forbidden.

Contracts are so necessary in our every-day life that if governments did not enforce contracts strictly, our social and industrial society would go to pieces. It is not surprising, then, that constitutions in this country stress the sanctity of contract.

Treason Defined

SECTION 28. "Treason against the State shall consist only in levying war against the State, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court."

This gives the same explicit and limited definition of treason as is found in the Constitution of the United States. Treason is the most serious offense that can be committed against the government. It is usually punishable by death. For that reason it is necessary that it be carefully and narrowly defined. The history of our own land, as well as that of England and other lands, affords too many instances of good men who were charged with treason by those whose patriotism was even more questionable.

The provisions in this chapter are very ancient in origin and express the feeling of Englishmen and their descendants in America as to the fundamental rights of the people. These are the "inalienable rights" which were so frequently mentioned in the opening days of the American Revolution. They have been put down here in such a way that they need never again be called in question.

The following chapter will deal with rights just as ancient and even more precious because they pertain to persons and personal liberty.

CHAPTER V

FOR VOCABULARY BUILDING

Declaration of Rights
Anglo-Saxon heritage
sanctity of contract
military government
inalienable rights
right of petition
subordination
civil government
Bill of Rights
encroachment
State militia
perpetuity
inherent
reiterated
explicit
reaffirms
charters
treason

CHAPTER VI

PERSONAL RIGHTS FROM ANCIENT CHARTERS

In the cruel days of long ago many men lost their liberty, their fortunes, and their lives at the mere caprice of kings or despots. In fact, before the Revolution which gained America her freedom, and in France before the great French Revolution, men could be arbitrarily imprisoned and their property taken away from them by the officers of the king without recourse on the part of the citizens.

For this reason the makers of the Federal Constitution inserted a provision which states: "No person shall be deprived of life, liberty, or property without due process of law."

This same safeguard is stated in Section 4 of the Arizona Constitution in exactly the same words. While the phrase, "due process of law," is not very clear, we gather its meaning from the words of Daniel Webster: "By the law of the land is most clearly intended the general law; a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial. The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society."

Every Man's House His Castle

SECTION 8. "No person shall be disturbed in his private affairs, or his home invaded without authority of law."

In colonial times when the colonists were resisting the English officers who were armed with writs of assistance (which were nothing more or less than unconstitutional general search warrants) they were accustomed to say, "Every man's house is his castle." That was a popular way of ex-

pressing a fundamental feature of English law. But changing conditions have required some modification of even this ancient right.

To illustrate: it is quite proper that no house should be searched for stolen goods without a specific search warrant designating the house to be searched and the thing to be searched for. Today, however, some are contending that a man's automobile should have the same sanctity as his house in regard to search and seizure. Bootleggers maintain that officers have no right to stop and search their cars without specific search warrants. So in these days of fast automobiles, it has become necessary to restrict this right, if we are to enforce our laws and protect the general public against high-powered criminals.

Freedom of Speech

SECTION 6. "Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right."

This is but a restatement of the right found in the Bill of Rights in our National Constitution; namely that of free speech. In the Arizona clause there is a qualifying provision on the right to speak and write and publish, "being responsible for the abuse of that right." So you see that with the increasing complexity of modern life, the essence of real liberty requires certain modifications of those ancient liberties.

Constitution Protects the Individual

SECTION 10. "No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offence."

The Federal Constitution protects an accused citizen from being forced to give evidence against himself, and also pre-

vents persecution of one accused after he has once been fairly tried. Notice the humanity of this provision. Time was when accused persons were put on a "rack" and stretched until they confessed their guilt. In that way, innocent persons have been forced to confess guilt in order to escape torture.

Accused persons are further assured justice by the provisions of Section 11: "Justice in all cases shall be administered openly, and without unnecessary delay."

Although our superior courts are in session almost continuously, it usually happens that some time must elapse before an accused man can have his trial. The Arizona law, however, limits the number of hours the accused may be held without a hearing. Therefore, a preliminary hearing must be held before the regular trial in the superior court.

This is quite different from the arrangement in old Venice. Any person there could write an accusation on a slip of paper charging another person with some crime and drop that slip of paper in the "Lion's Mouth," a sort of letter box on the wall of the palace. These slips of paper would be taken from the box and examined by a secret committee of three, who had the power to punish as they saw fit, with either imprisonment or death.

Our Federal and State Constitutions come nearer guaranteeing justice by providing that an accused man shall be confronted by his accusers, face to face, in an open court, and that the accused shall have compulsory processes to call witnesses in his behalf. When a man is charged with crime, he is given an immediate hearing before a magistrate. The magistrate has the power to postpone the hearing for not more than two days at a time nor more than six days in all without the consent of the accused.

Habeas Corpus

SECTION 14. "The privilege of the writ of habeas corpus shall not be suspended by the authorities of the state."

Habeas corpus is given special prominence in our Federal Constitution. It is one of our best safeguards against arbitrary imprisonment. This legal provision dates back to the Habeas Corpus Act of Parliament in 1679. Those two Latin words, "habeas corpus" mean literally, "You have the body," or "You go get the body." To make it a little clearer, it is a command from the court to go get some person and bring him into court. Not only may one obtain a writ of habeas corpus to release a prisoner from jail, if he has been illegally imprisoned, but such a writ may be obtained to release a child, or any person who is being detained anywhere without legal process. The writ of habeas corpus is one of the most frequently used writs issued in American courts.

Excessive Bail Prohibited

SECTION 15. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

When a person has been accused of crime, he may or may not be held in prison until the time of his trial. If the crime is a minor offense, he may be admitted to bail. This means that he may be let out of prison on furnishing a bond that he will appear in court at the time set for his trial. In certain major offenses prisoners are not released on bond. The idea in this clause is to assure that the bond will not be too large a sum for the accused man to furnish. A poor man accused, but probably innocent, might be able to get friends to sign his bond for a sum of \$2,000, but would be utterly unable to get

them to sign his bond for \$20,000. If the judge sets the bail at \$20,000 that would be regarded as excessive.

Here again in this clause, the language is general rather than specific. What excessive bail is, or what an excessive fine is, depends somewhat on the wealth of the man accused, as well as the nature of the offense of which he is accused.

This clause also forbids cruel and unusual punishments such as putting men on the "rack" or the "wheel" to break their bones, or causing them to walk on red-hot irons and such other inhuman punishments as were common during the Middle Ages. The question has arisen in late years whether executing prisoners with electricity or putting them to death with gas is unlawful, in that it is unusual. The general meaning of this clause is that excessive cruelty or inhumanity shall not be used in the punishment of criminals.

SECTION 16. "No conviction shall work corruption of blood, or forfeiture of estate." "Corruption of blood" is a legal term which means extending the punishment of the parents to their offspring. It is interesting that a generation which thought of God as an avenging judge, dealing stern punishment to the wicked and "visiting the sins of the fathers upon the children," should have been so merciful in setting limits to human punishment. They planned that conviction should bring punishment to the prisoner but it should not legally reach his children, nor cause his estate to be forfeited. A people's progress may be judged by the humane or inhumane provisions of their law. This section speaks well for the humanity of our constitution makers.

Imprisonment for Debt

SECTION 18. "There shall be no imprisonment for debt, except in the case of fraud."

Students of colonial history will remember that imprison-

ment for debt was quite common in England during the eighteenth century. The English philanthropist, James Oglethorpe, established Georgia as a home for these poor debtors. And yet imprisonment for debt was practised in America. Robert Morris, the financier of the Revolution, spent the last days of his life in prison for debt. It was a cruel and foolish law which made it impossible for a debtor, by his own efforts, to pay his debts.

When the first territorial governor, John N. Goodwin, gave his message to the first territorial legislature of Arizona, he condemned "peonage" practised at that time in this country under the laws of New Mexico. The governor asked the territorial legislature to do away with the institution of peonage, and to make it legally impossible for anyone to sell himself to satisfy a debt. Thus we see that this provision in the State Constitution is but a repetition of a provision which existed in territorial days.

Bills of Attainder

SECTION 25. "No bill of attainder, ex post facto law . . . shall ever be enacted."

It is necessary to look back into early English and American history to understand the meaning of this section. The Federal Constitution forbids Congress, or any State legislature to pass a "bill of attainder." This section forbids the same thing in different words. During the War of the Roses in England, which was a struggle between rival kings, it was a common practice for Parliament, filled with the followers of one king, to try prominent men of the other faction in Parliament and not in a court.

In such a case a bill would be passed by the lawmakers condemning their opponents to death for treason and permitting the confiscation of their estates. These bills usually for-

bade the children of the condemned men to receive anything by way of rights or property through inheritance. In legal language we would say the condemned man's blood was attainted, and the blood of his children was attainted, and thus his punishment was passed on to the innocent. Any reasonable person can see the injustice of such a provision even though the condemned parties were guilty of treason. Under such a regime as this there would always be the probability of the innocent being made to suffer for the guilty.

We do not have to go to England, however, for examples. In the state of Virginia, prior to 1787, a man thought to be a dangerous character was outlawed by the Legislature of Virginia, and condemned to death and his estate confiscated. We have come to see that a legislative group is not the proper body to hear such a trial and that a vote of even the majority might not constitute justice. We think that crime should be dealt with by courts where there is careful, deliberate testimony and a weighing of evidence and the searching for facts by impartial men.

No Ex Post Facto Laws

By "ex post facto" is meant a law that is retroactive, or back-acting in its effect, reaching back into the past and making an offense of an act which was not an offense at the time it was committed. It readily occurs to all of us that such a law would be unjust, for, it would seem to be taking a mean advantage of a person who might be ever so willing to observe all laws.

Not only is a law, applying to acts done before the law was made, regarded as ex post facto, but the term has several other meanings. If a law imposing a punishment for a crime is changed, so as to increase that punishment, the severer punishment must not be made to apply to a criminal who

committed the crime before the punishment was increased. To apply the new law in his case would be "ex post facto."

Again, if a law governing court procedure is changed so as to make it harder for a prisoner charged with crime to clear himself, the new procedure cannot be applied to a case that originated before the change was made. To do so would be regarded as "ex post facto."

The fathers of the Republic stood strongly for human rights and made these provisions on the basis that it was better for several guilty persons to escape punishment than for one innocent person to be punished unjustly.

Formal Accusation of Crime

SECTION 30. "No person shall be prosecuted criminally in any court of record for felony or misdemeanor otherwise than by information of indictment, no person shall be prosecuted for felony by information without having had a preliminary examination before a magistrate or having waived such preliminary examination."

In the Federal Constitution it is provided that one to be tried for crime must first be indicted by a grand jury. Even though the grand jury is a very ancient institution, it is not so highly regarded by us, as is the petit jury, or trial jury.

In the old eastern States, grand juries are still used to detect and report crime. In Arizona they are used only when ordered by a judge of the Superior Court. Such a jury is usually composed of a larger number of men than the petit jury, and for that reason is called a grand jury, whereas the petit jury, which tries an accused man, is composed of only twelve men.

While the grand jury has much to commend it, it is gradually falling into disuse throughout the country. It is seldom used in Arizona, and the prosecuting attorney in each county

is empowered to bring action against those thought to have committed crime.

To Be Appreciated and Remembered

Enough has been said to show the vital significance of these provisions. Down in the river are cobble stones, round and smooth. Long ago up in the mountains they were irregular shaped, sharp edged rocks. Rolling and tumbling on their journey down the streams, they have become rounded and smoothed.

So it is with such historic phrases as "No bill of attainder or ex post facto law shall be passed," or "Excessive bail shall not be required; nor excessive fines imposed, nor cruel and unusual punishments inflicted." Coming far down the stream of time, these phrases have become well polished. Let us appreciate their meaning and not forget their eventful journey

CHAPTER VI

FOR VOCABULARY BUILDING

unconstitutional search warrants
arbitrary imprisonment
qualifying provisions
writs of assistance
preliminary examination
due process of law
essence of liberty
authority of law
admitted to bail
released on bond
without recourse
avenging judge
legal language
habeas corpus
misdemeanor
minor offense
confiscate
indictment
jeopardy
peonage
felony
despot

CHAPTER VII

TWENTIETH CENTURY ADDITIONS TO CHARTERS

Arizona was no less progressive in laying down new principles of political rights and social justice than she was in adopting new schemes of government. The following ten sections, quoted and explained, will show what our constitution makers felt to be proper additions to the age-old list of rights discussed in the last two chapters.

No Special Privilege

SECTION 9. "No law granting irrevocably any privilege or franchise, or immunity shall be enacted."

There is no counterpart in the National Constitution for this clause, because it remedies an evil which was not so prominent in 1787. During the last hundred years, when great corporations began to spring up, many States went to the extreme in granting them favors. Railroads and other corporations were given valuable franchises, or other privileges, for indefinite periods and with little or no cost. Sometimes corporations were even exempt from taxation. This clause merely makes sure that what has occurred so frequently in other States will not be repeated in Arizona.

Liberty Not License

SECTION 13. "The liberty of conscience secured by the provisions of this Constitution shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State. No public money or property shall be appropriated or applied to any

religious worship, exercise, or instruction, or to the support of any religious establishment."

One of the principal motives for the colonization of America was to obtain religious freedom. The freedom of worship is very carefully safeguarded by both national and State constitutions. However, in this country, we scrupulously avoid connection between church and state. Our laws do not permit an "Established Church," nor the support of religion by taxation. Our laws aim to prevent the carrying on of immoral conduct in the name of religion.

No Class Legislation

SECTION 13. "No law shall be enacted granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations."

This is but a statement of a newer ideal of justice not prominent in older constitutions. It was prompted by the experience of other States in recent years where great business corporations have been shown favoritism. It aims to prevent "class legislation." In other States and in other times, bribery of state legislatures to obtain privileges or favors on the part of great corporations has been all too common.

Eminent Domain Extended

SECTION 17. "Private property shall not be taken for private use except for private ways of necessity, and for drains, flumes, or ditches, on or across the lands of others for mining, agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner."

Most of our constitutions in America, national and state,

amply protect private property, but it is understood that private property may be taken for public use by paying a fair compensation. The right of the government to take private property for public use is known as the right of "eminent domain." In other States private property and land are frequently taken for highways, streets, parks, etc. It is interesting to note that in this State, it may be taken for irrigation ditches and flumes and for agricultural or mining purposes. We can readily see the importance of obtaining water and of developing mineral deposits in a State like Arizona.

Trial by Jury

SECTION 23. "The right of trial by jury shall remain inviolate, but provisions may be made by law for a jury of a number of less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of a jury in civil cases where the consent of the parties interested is given thereto."

The right of a jury trial is very ancient among the Anglo-Saxon peoples. For centuries, Englishmen have felt that an accused man is in far safer hands to have charges passed upon by a jury of twelve men than to have his case in the hands of any one man. That is why we find the right of trial by jury emphasized in all the great charters of English liberty. Usually in times past, the jury consisted of twelve men, and the unanimous verdict of guilt was required to convict a man. In recent years, there has been a lessening of our regard for jury trial, so much so that in several of the States, a unanimous verdict is not required to convict.

In civil cases, frequently, no jury is required at all. In Arizona, in felony cases there must be a trial by jury, and also in minor criminal cases, unless the prisoner and the State voluntarily waive it. At the present time a unanimous ver-

dict is required to convict. It is the usual practice in the United States not to permit jury trial in contempt cases. If a person refuses to obey a summons to come to court as a witness or as a juror, or if he refuses to answer a question asked him in court, he is guilty of "contempt of court." For such an offense he may be tried and punished without a jury.

Right to Bear Arms

SECTION 26. "The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men."

This is a right that stands out prominently in the national Bill of Rights. Our pioneer ancestors conquered the wilderness with the long barreled rifle and usually kept a gun standing near the door of their cabins. Throughout the west, every man felt that it was his God-given right to carry a gun. The trusty rifle made even a physically weak man the equal of a physical giant. In pioneer days it was necessary that every citizen be armed to protect the community against the Indians. Today there is less need for that sort of thing; in fact, this is an ancient right which time has greatly modified. Now that legal process has been substituted for private vengeance, men ought not to be armed. The safety of society requires more and more laws against the carrying of concealed weapons and the enforcement of these laws.

The last portion of the clause is aimed at hiring detectives by the big corporations to fight working men in times of strikes and labor troubles. In recent years, in industrial disputes, veritable war has been waged between armed strikers and armed employees of corporations. In the coal fields of Illinois and West Virginia, terrible deeds of violence have

occurred, the like of which this clause aims to prevent in Arizona.

No Class Distinction

SECTION 29. "No hereditary emoluments, privileges or powers shall be granted or conferred, and no law shall be enacted permitting any perpetuity or entailment in this State."

In a country dedicated to democratic principles there is no place for artificial class distinction. The Arizona Constitution in this respect merely repeats the provisions of the Federal Constitution in prohibiting certain old world privileges which tend toward class distinction. In England and on the continent, as well as in colonial Virginia, the law of primogeniture prevailed, which permits the oldest son to inherit his father's estate. We early did away with the law of primogeniture and established a law of equal division, which is more democratic. If a man leaves no will, his children participate equally in the division of his estate.

In democratic America we want no nobility or privileged class, such as has been the curse of Europe. (This is an old safeguard but it has a new significance in the modern democratic effort to release the living from the control of the dead.)

Freedom to Recover for Injury

SECTION 31. "No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person."

It is plainly evident that the Constitution of Arizona was written by men friendly to the laboring class. In view of the fact that injury and death occur frequently to laborers in our industry, it is the purpose of this Constitution to enable working men to secure adequate compensation for industrial accident, or for their family to receive compensation in case

of the working man's death. The amount of such damages shall not be limited by law but shall be left to the discretion of the court if not to the Industrial Commission as to what is fair and just, according to the merits of the case.

Two Types of Provisions

SECTION 32. "The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise."

Some provisions of law are mandatory and some permissive. Mandatory provisions are usually expressed in the words of the ancient lawgiver, "Thou shalt." Permissive provisions are usually expressed in the modern term "may." The idea contained in this section is that the provisions of this Constitution are to be regarded as compulsory, unless otherwise provided. Laws are passed to carry out the provisions of the Constitution, but an effort has been made to make the basic law self executing and sufficient as far as possible.

State May Enter Business

SECTION 34. "The State of Arizona and each municipal corporation within the State of Arizona shall have the right to engage in industrial pursuits."

The State of Arizona has departed from an early American idea in regard to just what things a government may do. For instance, Thomas Jefferson used to say, "That government is best which governs least." He and his followers contended that the only real function of government was to see that every man had a fair chance and was duly protected, otherwise leaving the individual free to do very much as he pleased.

As business has grown in this country, business men have generally felt that government ought not to enter into busi-

ness enterprise, but leave such enterprise strictly to individuals and corporations. However, so many times in late years individuals and corporations have got permission to furnish cities with electric light, gas, street railways, etc., and have abused their privileges and charged excessive rates, that the idea has come to prevail that it is quite proper for a government to do some of these necessary things. This clause aims to give Arizona cities the right to own their own water works, electric light systems, and other public utilities.

Significance of New Social Ideals

From the foregoing comments it appears that the Convention of 1910 aimed to lay the foundation of this commonwealth upon the ancient principles of liberty, which our fathers laid down, bringing the whole scheme of social justice down to date by incorporating the latest ideals of the twentieth century. In this charter of liberty they have preserved the best of the old, and admirably stated the most urgently needed of the new.

If the boys and the girls of our schools today will grasp the full meaning of all that is contained in the Declaration of Rights, there will be no question as to Arizona's future.

The most precious gold of Arizona is not that found in the hills or the sand, nor is it the gold in her sunsets, nor the coloring of her canyon walls, but the golden ideals of justice and social right expressed in this Declaration of Rights and translated into the lives of ordinary citizens.

CHAPTER VII

FOR VOCABULARY BUILDING

acts of licentiousness
adequate compensation
permissive provisions
mandatory provisions
established church
unanimous verdict
contempt of court
 court of record
class distinction
class legislation
 public utilities
 primogeniture
eminent domain
compensation
 counterpart
corporations
 irrevocably
 jury trial
 emolument
 impaired
 franchise
immunity

CHAPTER VIII

THE DEPARTMENTS ESTABLISHED

Article III of the Arizona Constitution reads as follows: "The powers of the government of the State of Arizona shall be divided into three separate departments, the Legislative, the Executive, and the Judicial; and, except as provided in this Constitution, such departments shall be separate and distinct, and no one of such departments shall exercise the powers properly belonging to either of the others."

This Article, according to its title, pertains to the distribution of powers, but we often speak of the same thing under the head of "separation of powers." Hereafter, when this matter is mentioned, it would be well for the student to remember the phrase, "separation of powers," as it is more commonly used by writers on governments. By that phrase is simply meant that the government of Arizona shall be divided into three parts, namely, the legislative department, the executive department, and the judicial department. In other words, we have the lawmaking department, the law-enforcing department, and the law-interpreting department. This same arrangement is found in the government of the United States, and it is common to all the States of the American Union.

This feature of our government, though, is so important that it deserves much consideration. Even though a pupil engaged in this study should go on through high school and college studying political science, constitutional government, and constitutional law, and should even become a great lawyer, he will never find anything more basically important than this idea of the "separation of powers." For that reason we will take more time to consider it.



MARICOPA COUNTY COURT HOUSE, PHOENIX

Why should government in America be divided into these three parts? It need not be so, but with us it has always been so. Perhaps it is because government naturally falls into three parts. A simple illustration will make this clear.

"Union of Power" in the Home

Assume that a father is the governing power in a family. The father in the morning says to his small boy, "Son, while I am away today you are to split kindling and put it by the door so that we may have it in the morning to start the fire."

Next morning the father, finding but little kindling at the designated place, calls his small boy to him, saying, "Son, you did not obey my orders. You did not split enough kindling for the fire. You shall be punished for disobedience."

Then the father leads the boy to the woodshed and proceeds to paddle him. In that case, the father in giving the order was the lawmaker. In deciding that the order was not carried out, he was the judge, and in meting out punishment he was the executive. In this instance we have all three functions of government performed by one individual.

That has been the way in the political realm throughout most of the history of the world. When Louis XIV of France said, "I am the state," he meant that all the governing power of the greatest nation in Europe was tied up in his own person. At that time, France had no lawmaking body and no courts superior to the king.

Liberty Rather than Power

Such a government is contrary to our theory of government as announced in the Declaration of Independence, and it has been America's great achievement to establish the opposite principle. We have done this because the old principle of government, where there was a union of powers in

one monarch, often led to cruelty and oppression, and the rights of individual citizens were trampled upon. It early became a fixed principle with us that only by separating the powers of government into these three natural divisions could individual rights and liberties be safeguarded.

It is only natural for the men who govern others to obtain, if possible, more and more power. There is a natural tendency for them to use that power despotically. That is why every American constitution declares, expressly or by implication, that one department of government shall not exercise power properly belonging to another. This is all explained rather tersely in the constitution of Massachusetts in which it is said: "Ours is a government of laws rather than a government of men."

CHAPTER VIII
FOR VOCABULARY BUILDING

Declaration of Independence
distribution of powers
functions of government
separation of powers
union of powers
implications
legislative
designated
executive
judicial
tersely

CHAPTER IX

LAWMAKING BY CHOSEN REPRESENTATIVES

One of the most important features of government is that of lawmaking. The "lawgiver," or lawmaker, has been a man universally respected in all ages of human history. Even present day newspapers frequently refer to members of the Legislature as "solons," alluding to a wise lawgiver of Athens. This respect is given partly because of the wisdom required to legislate wisely and partly because of the very great importance of law. All laws are important, but some, more than others. For instance, constitutions are more important than statutes. Laws passed by the State Legislature are of more weight than those passed by the city council. Nevertheless, the good citizen is duty bound to obey all laws passed by duly constituted authority.

Classes of Laws

While all civil laws in this country represent the will of the people, they are of different origin. The Constitution represents in a unique way the will of the people. Let it be remembered that the State Constitution is the supreme law of the commonwealth. It is the foundation law, with which all other laws enacted within the State must agree. Most of the laws to be found in the Arizona code, that is, the book of Arizona statutes, have been enacted by the State Legislature which takes care of the details of lawmaking. However, the State lawmakers cannot possibly go completely into details, so certain administrative boards, such as the State Board of Health and the State Corporation Commission, are empowered to make rulings which have the effect of law. In

fact, these rulings may properly be called law. Special rules to govern life in the cities are needed and are provided by the city councils. Laws for cities are usually called ordinances.

Constitution a Supreme Law

In order that there might be no uncertainty, the early Americans put the basic principles of government down "in black and white," that all might read and understand. Thus was given to the world a new feature of government—the written civil constitution. In America we have become accustomed to written constitutions. We have a written constitution for the nation. We have written constitutions for each of the forty-eight States. Every considerable sized town or city has a written constitution, too, though the city constitutions are usually called charters. With us, every corporation, or company, organized under our laws, has what we call a constitution in its articles of incorporation. In the school world we notice that every class organization, every literary society, every debating club, has its written constitution. Truly America is the land of written constitutions.

The constitutions for the various States are considerably alike in general form, but they differ widely in content. Arizona's Constitution is much like those of other States in its general outline. Like the others, it contains a bill of rights, or, as it is called in the Arizona instrument, a Declaration of Rights. Like the others, it provides for a scheme or plan of government. And, like the others, it contains provisions for amendments when needed. These three characteristics indicated above are common to all the State constitutions found in this country.

Constitution a Blue Print

One of the chief purposes of a constitution is to lay down in broad outlines the general plan on which the government



STATE HOUSE, PHOENIX

of the State is to be built. It is therefore a good deal like the "blue prints" which architects use when they build a house. Not only does the constitution tell what the government shall be and do, but it also puts down in positive terms what it shall not do by way of infringing on the people's rights.

A constitution is an expression of the people's will, but it sometimes holds the people in check preventing them from doing that which many for the moment would like to do. In that way the constitution exerts a restraining power over the people when they need to be restrained.

State Lawmaking Body

The Arizona Constitution provides that most of the laws for this State shall be made by the State Legislature, which is made up of two houses, the Senate and the House of Representatives. Our legislature is like that of all the other States in that it is made up of two chambers. Such a lawmaking body composed of two houses is said to be bicameral, a word meaning two chambers. It is not absolutely necessary to have a legislature composed of two houses, but we have long had that plan in general, and there is much to be said in its favor.

Each house has its officers, its committees and its attachés. The presiding officer of the Senate is the president. The Senate also has a secretary, a chaplain, a sergeant-at-arms, a doorkeeper, and one or more other officers. The presiding officer of the House is the Speaker. The House also has a chaplain, a sergeant-at-arms, a chief clerk, etc. For each chamber there are numerous assistants, such as typists, clerks, stenographers, pages, etc., who are known as attachés.

To simplify legislative business, each house is divided into numerous committees named according to the kinds of legis-

lative measures to be considered. Each committee must consider the various bills submitted to it. Every member of the Legislature serves on one or more of these committees.

In America we are much given to the committee system of legislation, as it enables a large number of bills, or proposed laws, to be considered in a short time. It frequently happens in a two months session of the State Legislature that as many as two thousand bills will be presented. Now, it would be impossible to read and consider carefully so many proposed laws before the whole body of lawmakers, but by assigning these bills to a considerable number of legislative committees, some consideration can be given to most of them.

Statutes

Any member of the lawmaking body who wishes a certain law passed may draft the bill as he wants it to read and introduce it into either house. Or any one not a member may draft a measure, or bill, and get some member to introduce it for him. The bill is read and referred to the appropriate committee. This committee will consider it and, if favorable, will report it back to the house in which it originated with the recommendation that it "do pass." This bill is, in course of time, taken up for discussion before the entire body of legislators in each house. When bills are to be discussed freely in either the Senate or the House, the members resolve themselves into what is called the "Committee of the whole house," under which, the rules permit greater freedom of discussion. This "committee of the whole" is of the same membership as the house itself, but it has a different presiding officer and operates under rules permitting greater freedom of action.

After passing one house, the bill is sent to the other, in which it goes through very much the same procedure. If the

other house makes any change in it, the change must be accepted by the first house, else it cannot become a law. Sometimes, in case of a difference or disagreement, it is necessary to submit a bill to a joint committee of both houses that they may make it, by modifying it, meet the approval of both. Such a joint committee is called a conference committee. After the bill has been passed by both houses, it is sent to the Governor for his approval or veto. If he signs it, it becomes a law. If he vetoes it, it does not become a law, unless it is carried over his veto. This is done by repassing the bill with a two-thirds vote in both houses.

Need of Revisions

As the Legislature meets regularly every two years and a considerable number of laws are passed at each session, in the course of ten or fifteen years several volumes of session acts accumulate. These volumes contain many laws that have been enacted, some of which overlap and counteract each other. Thus it comes about that at the end of any given period there are more laws on our statute books than are actually in effect.

For that reason it is necessary at intervals to revise the state laws and condense them into a code. Our Seventh Legislature made a start toward revision. Before the meeting of the Eighth Legislature a code commissioner had gone over the past legislation, revising it and cutting out dead material. It was part of the business of the Eighth Legislature to finish the work by adopting the Revised Code.

Constitutional Details

"Until otherwise provided by law, the Senate shall consist of nineteen members, and the House of Representatives of thirty-five members."

So reads a part of the Constitutional provision concerning

the State Legislature. Following this provision in the Constitution is a list of the fourteen counties with the number of State senators and representatives permitted each.

It should be noted that the membership of each house is fixed by the Constitution "until otherwise provided by law." That was inserted because it was impossible for the constitution makers to determine the number of senators and representatives which each county should have for all time to come.

The Constitution provides for nineteen State senators from the fourteen counties. Nine counties have one senator each and five counties have two senators each. This provision remains unchanged. Originally the Constitution provided for thirty-five members in the House of Representatives. That number has been changed by law several times. The Ninth Legislature had fifty-four members in the lower house. That does not mean that the representation from every county has been increased, but only that the representation of the growing counties has been changed. For example, Maricopa County at first was entitled to only six representatives, but at the present time that fast growing county has sixteen members in the House of Representatives. This change has been fairly made and is due to the fact that Phoenix has been growing in population by leaps and bounds.

Population Shifts

Arizona has had the same experience that many of the western mining States have had. In a mining region population shifts from one place to another in a short time. In this State great mines have been opened up and thriving towns established overnight. Sometimes the mines gave out, the towns dwindled, and the inhabitants moved into other parts of the State. To illustrate this, we might mention the far-famed city of Tombstone, which is today a moderate sized

town, but forty years ago it had a population five times as great as it has today. Another example we might cite is old Pinal. Pinal was the mill town for the famous Silver King Mine. In the days of its prosperity it had more than a thousand inhabitants. Today nobody lives there. It is a ghost town. All this has been said to show the need of changing the representation of the various counties when the shift of population becomes such that the old scheme is unfair. The framers of the Constitution knew that such a change would occur and that is why they said "until otherwise changed by law" it shall be as indicated.

What the Legislature May Not Do

"No local or special laws shall be enacted in any of the following cases, that is to say: Granting divorces, etc."

It is a theory of our State government that the Legislature may pass any kind of a law which it thinks proper, so long as it does not conflict with the Constitution of the United States or the Constitution of the State. But experience shows that it is very necessary to limit the Legislature by forbidding it to do certain things. In our own experience in the Territory of Arizona, we find that the Territorial Legislature was rather prone to do two or three questionable things. For example, the Territorial Legislature used to grant divorces. One particular Territorial Legislature granted about twenty divorces.

Back in those days the Legislature frequently changed the names of prominent individuals on the request of those persons. Granting divorces and changing names was carried to excess. Accordingly, we are not surprised to find in the Constitution of the State of Arizona a score of different things which the Legislature is forbidden to do. The first on the list is granting divorces, and the fifteenth on the list is the chang-

ing of names of persons or places. Thus some constitutional provisions can be understood only in the light of history.

According to Section 3, the Legislature shall meet every two years at the State Capital, beginning its session on the second Monday in January of the odd-numbered years and continuing in session regularly for sixty days. If the sixty-day period, every two years, is not sufficient for the task of lawmaking, the Governor is empowered to call a special session. Arizona has had nine regular sessions of the Legislature since statehood was gained, and numerous special sessions during the same time. A special session was called in November, 1928, to revise the code.

The Code Revised

All of us understand that the chief business of the State Legislature is to make the laws under which we are governed. Of course, many laws are proposed that are not completed, but even so, hundreds of bills are made into laws at every session of the Legislature. Some of these laws are changed by later legislatures and yet they still remain on the law books. In 1929 it was found that the laws of Arizona were scattered about in almost a dozen books. Many of them were no longer in effect, because some later law contradicted them. All of this was rather confusing, as it was difficult even for a lawyer to find out what the law was.

So a special session of the Eighth Legislature revised the laws, cutting out dead material, and giving us one book of laws containing all that are effective. This new law book we call the "Revised Statutes of Arizona, 1928."

CHAPTER IX

FOR VOCABULARY BUILDING

special session of State Legislature

regular session of State Legislature

articles of incorporation

committee of the whole

legislative committee

cutting dead material

administrative boards

conference committee

restraining power

Arizona code

city council

commonwealth

Revised Code

bicameral

ordinance

statutes

solons

draft

veto

bill

law

CHAPTER X

LAWMAKING BY THE PEOPLE

Section 1, Part 1 of Article IV says: "The legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives, but the people reserve the power to propose laws and amendments to the Constitution and to enact or reject such laws and amendments at the polls, independently of the Legislature; and they may also reserve, for use at their own option, the power to approve or reject at the polls any Act, or item, section, or part of any Act, of the Legislature."

While it is true that the Constitution provides for Arizona a lawmaking body known as the State Legislature, it at the same time makes arrangement for laws to be made otherwise. This is a fairly new idea in government. Only about half of the States in the American Union have the provisions which we are about to discuss.

One of the distinctive features of the Arizona Constitution is its provision for the Initiative and the Referendum. These are the two reserved powers mentioned in Article IV.

What They Are

What are the Initiative and Referendum? The Initiative is a constitutional provision by which the people are enabled at the polls to pass a law, or a constitutional amendment, without any action on the part of the State Legislature. On the other hand, the Referendum is a constitutional provision whereby the people may decide whether an act of the Legislature shall become a law. Thus it will be seen that the people of Arizona may have a desired law even if the Legislature refuses to do a thing about it. Likewise, it is evident that if

the Legislature passes a law that the people do not want, the people may veto the law by voting against it when it is put to a vote at an election.

How to Use Them

To get a law initiated or referred, it is necessary to circulate a petition and get a certain number of signatures. To initiate an ordinary law requires ten per cent of the qualified voters to sign the petition. To initiate a constitutional amendment requires fifteen per cent of the voters to sign it. A referendum on an act of the Legislature may be had if five per cent of the voters sign the petition for it. All of these petitions must be signed by qualified voters only, each voter signing each petition only once. It is a serious offense against the law for any person to sign such a petition more than once, or to sign it at all if he is not a qualified voter of the State. When enough signatures have been obtained, the petition is filed with the Secretary of State four months prior to the election and he has the title of the act printed on the ballot for the next election.

Publicity Pamphlet

Since Arizona has become a State there have been, on the average, about eleven different measures submitted to the voters at each election. Some of these laws are very long and difficult to understand. In order that the voters may have a chance to know something about such measures, the Secretary of State is authorized to issue a publicity pamphlet containing the full text of all measures and propositions to be voted upon, and possibly some arguments for and against each. This pamphlet is mailed to the registered voters long enough before the election so that all may have opportunity to read proposed measures and get informed as to how to vote on them.

How They Work

What has been Arizona's experience with these new features of government? Let us note to what extent they have been used. An examination of the official records show that since statehood in 1912 up to, and including the election of 1926, there have been thirty-eight constitutional amendments submitted to the voters. About half of these proposed amendments were submitted by the Legislature and the other half were on petition of the people. Of these proposed amendments twelve carried and twenty-six failed to carry. In the elections of 1920 and 1922 there were six submitted each time and all six were voted down at each of these elections.

As to laws passed by the Legislature and then submitted to the voters, Arizona has had twenty-one. Of the twenty-one on which there was a referendum, thirteen were approved and eight were voted down, or disapproved. The eight referred in 1912 were all approved. Of the five referred in 1918 all but one were disapproved.

As a matter of lawmaking by popular action, we have had twenty-eight initiated measures voted on by the people. Of these twenty-eight submitted, nine carried and nineteen failed. Those voted on early after statehood were usually carried while those submitted during recent years almost always failed to carry.

CHAPTER X

FOR VOCABULARY BUILDING

constitutional amendment

publicity pamphlet

proposed measures

registered voters

reserved powers

qualified voter

initiate a law

referendum

initiative

petition

CHAPTER XI

STATE CHIEF EXECUTIVE

One of the three important articles of the Constitution dealing with the framework of State government is Article V on the Executive Department. Section 1 of the article reads as follows: "The Executive Department of the State shall consist of Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Instruction, each of whom shall hold his office for two years."

The fact that six executive officers are listed above, indicates that the executive branch of our State government is really divided into six parts with each of the officials enumerated above heading his own special line of work. They are all elected by the people and do their work more or less independently. At the head of the Executive department, exercising a certain control over the others, stands the Governor.

Since we can not in this chapter detail the duties of all these officials, we shall pay attention to the Governor, as he is supposed to head the department. The following chapter will discuss the other executives.

The Governor of Arizona is elected by the vote of the people and holds office for two years. He may be re-elected to succeed himself as often as the people will choose him. In some States the constitution does not permit a governor to succeed himself, that is, to hold office for two or more terms in succession. If an official cannot succeed himself, but must step out of office at the end of one term, that provision is known as "rotation in office." It used to be quite a common provision in other States, but the constitution-makers of Arizona thought it wise not to provide for rotation in office for

any of these six executives, except the State Treasurer, who may not hold office for two terms in succession.

Women May Be Elected Executives

Section 2 of this article is interesting, for it says that no person shall be eligible to any of these executive offices except a male person not less than twenty-five years of age. That statement would lead one to think that a woman could not hold one of these offices. But that section has been changed by an amendment adopted in 1912. In Article VII, section 2, is found this statement: "The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the State . . . on account of sex. . . ." This quotation is a part of the Woman Suffrage Amendment and takes precedence over the earlier Section 2. Since statehood, two women have been elected and served as executive officials of Arizona.

Section 3 needs little comment. It is a plain statement that the Governor is commander-in-chief of the military forces of the State except when the State force is merged into the American army in time of war. The Governor is ordinarily a civilian and, accordingly, puts a military man in actual charge of the State forces. In this country, as well as in England, it is a common constitutional provision that the executive of the civil government shall be supreme in power in the military government, even though he is not a military man. It is a part of our general idea that civil power shall be superior to the military power. Most governors, and for that matter, most presidents, have exercised military power according to the constitution without being military men.

The Executive Branch Divided

In section 4, the Governor is definitely instructed to transact all the executive business of the State. The language of

that section seems to imply that the other executive officials constitute a council to advise the Governor. In actual practice, however, that is not the case, for these officials may be of different political parties and may differ in their views. Since all are elected by the people, they may not be personally friendly or in sympathy with each other, or with the Governor. One sentence in section 4 says, "He shall take care that the laws be faithfully executed." Such language would lead us to believe that the Governor has complete charge of the executive department. Really, though, it is far from being that way. The only time when the Governor has as much power as the Constitution seems to give him is when martial law is declared; then the National Guard is called out and the Governor has charge as its commander-in-chief.

It is customary in general for governors to have the power of pardon. Sometimes persons are unjustly convicted of crime and for that reason it is necessary that some one be given the power to consider their cases, aside from the law in the matter. In Arizona, the Governor exercises the pardoning power, but there is a State Board of Pardons and Paroles that makes recommendations on applications for clemency. Thus we see that section 5 has been modified.

No Lieutenant-Governor in Arizona

In the event of the impeachment of the Governor, or on account of his absence from the State, or his inability to carry on the duties of his office, the Secretary of State performs his duties. Many States have an official known as Lieutenant-Governor, who may be called a vice-governor. His business is to take the place of the Governor under such circumstances as mentioned above. Arizona has no Lieutenant-Governor. The Secretary of State serves as Governor while the Governor himself is outside the limits of the State.



THE MOUNT VERNON OF ARIZONA

This provision tends to keep the Governor at home and on the job. There are instances in Arizona of the Governor's leaving the State on official business, and the Secretary of State, acting as Governor, doing certain things quite displeasing and quite contrary to the wishes of his absent chief.

Legislative Powers

The Governor may call extra sessions of the State Legislature when, in his opinion, the business of the State requires such an extra session. Since the Legislature meets regularly only every two years, for a period of sixty days, it has been necessary to call a number of special sessions. When the Governor does call a special session, he indicates in the call what business shall be considered, and the Legislature, when it meets, can not constitutionally consider any other business than that mentioned in the summons. At every session of the Legislature, regular or special, the Governor gives a message discussing the conditions of the State and recommending such matters as he deems expedient.

In all the States of the Union, it is the usual thing for the Governor to have a hand in lawmaking, just as the President has a share in national lawmaking. Arizona's Governor not only suggests legislation in his annual message, but he has the power to veto bills passed by the Legislature. His veto power, however, is restricted.

Kinds of Veto

The meaning of "veto" should be made clear. Veto is a Latin word meaning, "I forbid." We in America have borrowed not only the word but the political idea from the ancient Romans. In the days of the Roman Republic, the masses of the people were protected by an official known as a tribune, who exercised veto power. This tribune needed only to say

to the lawmakers, "Veto," or, "I forbid," and the law in question could not be passed. That was an absolute veto.

The Limited Veto

Americans early in our history had an unpleasant experience by having the King of England use veto power too liberally. That is one of the complaints Thomas Jefferson brought against the king in the Declaration of Independence in that clause which reads: "He has refused his assent to laws the most wholesome and necessary for the public good." After that bitter experience the founders of our nation thought it best to limit the veto power of presidents and governors. Laws vetoed by the President of the United States, and also laws vetoed by the governors of our States, may be carried over such a veto by a two-thirds vote of the lawmaking body.

The Selective Veto

There is another kind of veto called the "Selective Veto." The name is significant and almost self-explanatory. It means that the executive has the power to select certain parts of a measure and veto those parts while permitting the remaining provisions to become law. The President of the United States does not have the selective veto. If the President objects to any part of a measure, he must veto it entirely or approve it entirely. But the Governor of Arizona does have the selective veto in regard to appropriation bills. He can veto portions of an appropriation bill if he regards certain items as questionable public expenditures and approve all the rest. This selective veto, which our Constitution gives to the Governor, permits him to use the "pruning knife" on bills appropriating public money and enables him to economize greatly.

The Pocket Veto

In our study of government, we have often heard of the "pocket veto" and have read that the President of the United States uses it. This merely means that he keeps the bill "in his pocket," and does not send it back to the lawmaking body with his objections. He can do this with all bills passed during the last ten days of any session, and they are killed by such neglect. The Governor of Arizona does not have the "pocket veto." He may sign a bill or neglect it, in either case it becomes a law, or return it with his objections, that is, with his veto. If the Legislature adjourns before he has considered all bills, the Governor is required to return such bills to the Secretary of State with his objections. Thus the Governor is forced by the Constitution, on vetoing a bill, to tell why. Before closing the discussion of vetoes we should note that the Governor has no power to veto a law passed by the people at the polls.

The above is all too brief a discussion of the Governor's powers and duties and one of the most essential has not yet been mentioned, that is, the Governor's appointive power. In this State the Governor has the power to fill vacancies and to appoint certain officials not otherwise provided for by law. Of course, Article V gives only the chief, that is, constitutional powers and duties of the Governor. For a detailed study of these, we would need to turn to the statutes.

CHAPTER XI

FOR VOCABULARY BUILDING

Governor's Proclamation

Lieutenant-Governor

appropriation bills

pleas for clemency

rotation in office

Board of Pardons

power of pardon

succeed himself

woman suffrage

social justice

selective veto

military power

absolute veto

civil power

martial law

precedence

pocket veto

perspective

clemency

expedient

transact

civilian

CHAPTER XII

OTHER EXECUTIVE OFFICERS

"The powers and duties of the Secretary of State, State Treasurer, State Auditor, Attorney-General, and Superintendent of Public Instruction shall be as prescribed by law." The above is section 9 of Article V of the Arizona Constitution.

In the preceding chapter the powers and duties of the Chief Executive officer of the State, the Governor, are discussed so far as the Constitution outlines them. Practically all of the Article on the Executive department is taken up with matters that concern the Governor. Very little is said in the Constitution about the other five executive officials except that they shall exist and perform duties prescribed by law.

If we followed only the Constitution in this study, we might omit further reference to these officials, but our knowledge of the State Executive department would be incomplete without a brief comment on each of them. For a detailed outline of their work we look to the statutes passed by the Legislature or by the people.

Minor Executives Provided by Law

As constitutions are made to serve the commonwealth through a long period of years as a "Book of Rules," it is manifestly impossible for constitution makers to anticipate all the changes likely to come about. For that reason, they merely indicate a few necessary minor executives, leaving the determining of their powers and duties to be mapped out by legislation according to the needs of the times. Therefore we must depart from the study of the Constitution in this chapter and turn to the Statutes.

The State Constitution is not unlike the Federal Constitu-

tion with respect to minor executive officials. The Federal Constitution does not name a cabinet officer, nor even use the word "Cabinet." Yet the President has a cabinet made up of ten minor executives to assist him. The Federal Constitution merely indicates that there shall be "heads of departments" and that the President may require their opinions or advice in writing. At Washington, it is left to the law-making branch of the government to determine how many such subexecutives there shall be and what they shall do. Consequently, for the same reason, both the State and the national constitutions are brief and indefinite in regard to the duties of minor executives, as each period of time creates different needs and requires different duties.

In Article XIX, on Mines, the office of State Mine Inspector is created, with the command to the Legislature to make detailed provision by law for his powers and duties. It will be noticed that this official is not listed as an executive officer, but he might very well be called one of them. No doubt in years to come when the executive department of the State is reorganized, the State Mine Inspector, perhaps under a different name, may be ranked as a very important executive of the State.

Secretary of State

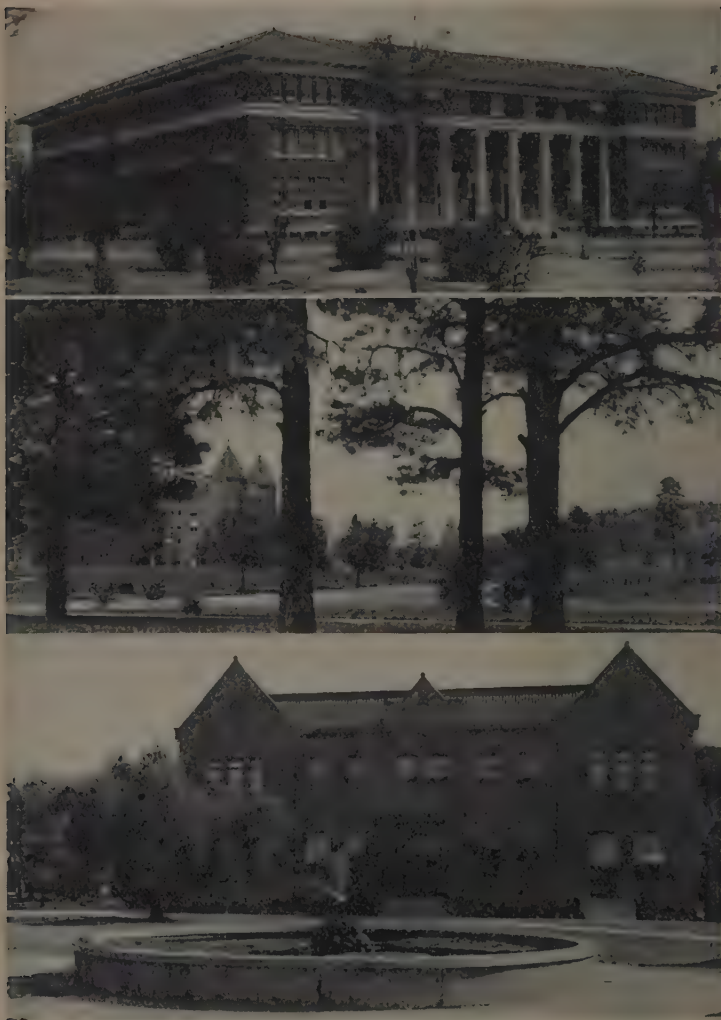
The Secretary of State, as the title seems to indicate, has secretarial duties to perform. It is usually said that he is the custodian of the Great Seal of the State of Arizona. That statement implies that he has charge of official documents and attests their genuineness. Official communications of the State must be attested by him and the Seal of the State affixed.

The acts of the Legislature are sent to the Secretary of State and at the close of each session of the lawmaking body, he accumulates them and prints them for distribution. Thus

he is also the custodian of the laws of the State. He is required to print the laws and distribute copies to certain officials and institutions and to stand ready to supply a limited number of copies on demand. If one wishes a copy of the laws of Arizona, he may obtain them by applying to the Secretary of State.

It should not be overlooked that the Secretary of State in Arizona serves as Lieutenant-Governor. Most other States have an official known as Lieutenant-Governor, but Arizona has no such official. The provision is made in the Constitution that the Secretary of State shall act as Governor when the Governor is incapacitated or outside the State. In case the Governor dies, the Secretary of State succeeds him in just the same way as the Lieutenant-Governor succeeds the Governor in other States, and as the Vice-President succeeds the President in the United States. The law provides that there must be an assistant Secretary of State who steps into the place of his chief when the Secretary of State becomes Governor.

Along with his other secretarial duties, such as receiving and publishing all acts of the Legislature and attesting and fixing the seal to the Governor's proclamation, the Secretary of State also has important duties concerning elections. He receives all petitions on the part of the voters to have laws referred to the people and all petitions to have laws or Constitutional amendments voted on by the people. Prior to the elections at which measures are to be voted on, the Secretary of State issues a publicity pamphlet containing the text of all measures to be submitted to a vote. The election returns for all State officers and also the vote on all laws and Constitutional amendments are received by the Secretary and published.



ADMINISTRATION BUILDINGS

Top—University of Arizona, Tucson. *Center*—State Teachers College, Flagstaff.
Bottom—State Teachers College, Tempe

State Auditor

The names of all of these minor executive officials are largely self-explanatory. The Constitution specifies among others that there shall be a State Auditor and the statutes detail his duties. An auditor is a financial official whose business it is to check expenditures and keep careful account of all monies paid out. Such an official is usually called an accountant. In other words, the State Auditor is the "Watchdog of the Treasury." He has among his papers all documents and records of the debts owed by the State, and through his hands must pass all accounts against the State, and before any money can be paid out of the treasury the claim must be under his eye, officially correct. This makes the Auditor a very important official whose absolute accuracy and honesty are to be relied upon. Of course, such an official is heavily bonded as a further guarantee to the State of the faithful performance of his duty.

State Treasurer

The State Treasurer is the holder of the State purse. He has charge of all monies belonging to the State, unless such funds are otherwise disposed of by law. He must take good care of the State funds and render a strict account of every penny he receives and pays out. He, like the Auditor, holds office presumably because of his financial ability and strict honesty. As a further safety to the State, he is heavily bonded as surety for the faithful performance of his duty. The Treasurer is required by law to keep accurate accounts which must tally with the accounts of the State Auditor. Upon the request of any member of the Legislature he is required to give information in writing to that body as to the condition of the State Treasury. In view of the fact that no money

belonging to the State may be paid out except by virtue of an appropriation made by the Legislature, the Treasurer is the financial agent of the Legislature in receiving State monies, caring for the same, and paying out as directed. Because of the peculiar nature of this office, it is the only one of our State executive offices in which a person may not succeed himself. For that reason we say that we have "rotation in office," in regard to this position.

Attorney General

It is a theory of our government that a public office is a public trust. This means that a public official is a public servant. A public official must not do his own will, but the will of those who put him in office, and that will is expressed in the law. Every official then must be guided by the law. Oftentimes the law, however, is very extensive and complex, so that a well-meaning official might not be certain as to his duty or as to what the law required of him. Sometimes the best of lawyers do not know what the law requires. Not all officials can be lawyers, so it is necessary to have one official who will be lawyer for all the rest. The Attorney General is just that. He is the consulting attorney for all of the State officials and for others who require his counsel.

If any official or any citizen of the State is in doubt concerning the meaning of a law, he may ask the Attorney General for a ruling or an opinion upon the matter. The Attorney General in order to be eligible to his office must be a practicing attorney and a member of the State Bar. He has several assistants who are also attorneys. He and his assistants, therefore, are able to give expert advice as to the meaning of any law. It should be remembered, however, that the rulings of the Attorney General and the opinions which he hands down are not really law because the Attorney General might

be wrong. Only a decision of the court concerning a doubtful provision of a law may be taken as the real meaning of the law. The Attorney General's office merely gives the interpretation of the law which the court would probably give in case the matter were brought to a trial.

The Attorney General is empowered by law to represent the State in all legal action. In case Arizona sues another state, or is sued by another state, before the Supreme Court of the United States, the Attorney General represents Arizona in such a suit.

Superintendent of Public Instruction

The Constitution makes the Superintendent of Public Instruction "a member and Secretary of the State Board of Education and ex-officio a member of any other board having control of public instruction in any State institution."

The ex-officio duties imposed by the Constitution are extensive, making the Superintendent a member of a number of very important educational boards not mentioned in the Constitution. Such boards are the Board of Regents of the State University, the Board of Education of the State Teachers College at Flagstaff, the Board of Education of the State Teachers College at Tempe, and the Board that has control of the State School for the Deaf and Blind.

By a vote of the people on a referendum measure, he has been made an ex-officio member of the State Board of Pardons and Paroles.

The statutes prescribe the duties of the State Superintendent as in the case of other officials. His main duty is to superintend the schools of the State.

Possible Changes in the Future

Great changes in the life of our people have occurred since 1910, and more are to follow. If a new constitution were

being made for Arizona now, it is possible that a subdivision of the Executive department would be devoted to Mining, and possibly one to Agriculture. Automobile transportation has become so extensive that it would no doubt receive much attention in a revised set of rules.

CHAPTER XII

FOR VOCABULARY BUILDING

Custodian of Great Seal

“rotation in office”

Lieutenant Governor

publicity pamphlet

official documents

election returns

financial agent

heavily bonded

subexecutives

incapacitated

appropriation

anticipate

accountant

State Bar

attorneys

surety

attest

bonded

tally

CHAPTER XIII

HOW OUR LAWS ARE INTERPRETED

The judicial department of Arizona is discussed in section 1 of Article VI of the Constitution. Section 1 reads as follows: "The judicial power of the State shall be vested in a supreme court, superior courts, justices of the peace, and such courts inferior to the superior courts as may be provided by law."

Our judicial system is composed of one Supreme Court, fourteen superior courts and, at the present time, one hundred eleven justice of the peace courts. We have the usual "stairstep" arrangement here, the Supreme Court being the highest in the system, the superior court coming next and the justice of the peace court being the lowest. This last is a local institution taking care of the judicial needs of the people in each small community. In our larger cities there are also police courts in addition to the three classes we have just named. This system of State courts must not be confused with our system of Federal courts.

Judicial officers in Arizona are elected at the same time and in the same manner as other State and local officials, but with this difference: their names are not put on the ballot in quite the same way as are the names of other candidates. We have what we call the "non-political judicial" ballot in this State. This means that in the general election nothing must be done to indicate to which party a candidate for a judgeship belongs. Most of the other candidates have their names printed in columns, or tickets, headed by the term "Democratic Party," "Republican Party," etc. This arrangement on the ballot easily enables the voter to know to which party the man belongs for whom he is voting.

The Non-Political Judicial Ballot

The names of candidates for judicial positions, except for justice of the peace, are placed at the top of the ballot without party designation. Judges are presumed to exercise the duties of their office without reference to party politics, and their connection with any particular party should have nothing to do with their fitness for their work.

Justices of the peace are elected for a term of two years. Judges of the Superior Court have a four-year term. Members of the Supreme Court are chosen for a period of six years, one member being elected every two years. The one who has served longest is, thereby, chief justice.

Election Versus Appointment

About the time that the Constitution of Arizona was being made, the power of the courts in the United States was being severely criticized. There was a decided difference of opinion here in Arizona regarding several things in connection with judges. In the early days of our republic, men trained in the law, and more especially judges, high and low, were regarded with great respect. It was then a custom in most States to have judges very carefully selected, to give them far better pay than other officials received, and to have them serve for life or during good behavior. At that time the courts exerted relatively great power and stood very high in public esteem.

Courts to Be Limited

As time passed more and more people began to feel that the courts in general wielded too much power. About 1910 there was a widespread clamor through the country to curb the power of the courts. This demand took several forms. For instance, it was suggested that judges be elected by the

people, the same as all other officers, and that the term of office for a judge be limited.

There were some who were even more radical in their demands, and insisted that provision be made whereby judges might be voted out of office by the people, as well as being elected to office. (This is known as the "Recall." More will be said later about it.)

Controversy Over Judicial Recall

The Arizona Convention went ahead and applied the recall to judges as well as executive and legislative officials, writing into the Constitution this statement: "Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors." It may readily be seen that these few words, "every public officer," included them all, judges as well as governors, sheriffs, lawmakers, etc.

President Taft Opposed to Recall

William H. Taft was in the White House at the time this Constitution was presented for approval at Washington, and was unalterably opposed to any constitution permitting judges to be voted out of office. So the President and Congress insisted that the Arizona Constitution be changed and the statement above be made to read as follows: "Every public officer in the State of Arizona, except members of the judiciary, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors."

Pupils should read the two quotations above several times very carefully. It is clear, is it not, that the five words inserted in the second quotation, "except members of the judiciary," have the effect of releasing judges from the fear of being voted out of office? That was what President Taft and

the majority of Congress insisted on doing before they would admit Arizona. That is what is meant by the statement that the judicial recall was taken out of the Constitution before admission.

President Taft did all he could to force the convention to make the Constitution safe for judges. The President wrote a long message to Congress explaining his whole attitude in the matter. But the people of Arizona were not convinced of the foolishness of the judicial recall. They changed their Constitution in order to get into the Union, but in 1912 they changed it back to what it was originally on this point. So today judges in Arizona may be elected to office and may be "elected" out of office. Several years ago a judge of the Superior Court was voted out of office. Our people are slow to use this power, but the fact that they can use it may cause all officials to "watch their step" more carefully.

The Trial Courts

The superior courts may be called the great trial courts of the State, for it is in these courts that the most important civil and criminal cases are tried. The justice of the peace courts have jurisdiction over only comparatively unimportant civil and criminal matters. The Supreme Court is, naturally, the court of last resort for State cases, and spends much of its time hearing cases that have been brought up to it from the superior courts. The Constitution provides that there shall be one Superior Court for each county, but it also provides that a county having a certain population shall be entitled to more than one superior judge, and the larger counties have from two to three at the present time.

In a murder case a preliminary hearing may be held in a lower court, but the real trial takes place in the Superior Court. The process of such a trial is quite similar in the

courts of all the States. This general procedure is given in detail in civics and government textbooks, therefore need not be given here.

Section 22 Remedies an Old Evil

Article VI, Section 22: "The pleadings and proceedings in criminal causes in the courts shall be as provided by law. No cause shall be reversed for technical error in pleadings or proceedings when upon the whole case it shall appear that substantial justice has been done." No doubt pupils have heard their parents some time or other discuss lawsuits or criminal trials which, in their opinion, turned out unfairly. No doubt the remark has often been heard, "He went entirely free on a technicality," if the case in question was a crime. Now what did they mean by that? Probably they meant that everybody was certain of the prisoner's guilt, but that the lawyers found some little defect in the conduct of the trial which enabled them to appeal to a higher court, and that the higher court, because the law had not been followed in minutest detail, reversed the case or dismissed it.

Just before Arizona's Constitution was made there were several happenings of that sort. For instance, in the State of Missouri a man was tried for a terrible crime. The evidence proved him guilty, and the court declared him guilty. However, the prosecuting attorney, in writing the indictment, left out the little word "the" before the name of the State. The prisoner's lawyers appealed the case because of that, and the highest court of the State sent the case back for re-trial. It turned out that the man escaped punishment for his crime. Civil cases also have been lost or won because of such seemingly trivial technicalities. With all this history as an object lesson before them, the men who made the Constitution of Arizona determined to prevent such happenings in this State,

so they inserted Section 22 for that reason. It is known to lawyers as the "Harmless Error Clause," and aims to provide against injustice resulting from a trial because a harmless error (or one of no great significance) has crept into the proceedings.

The Courts Guard Our Rights

Perhaps you have heard your parents speak of courts in awed or angry tones, and you may have gained a wrong impression of these institutions. It is indeed a bad thing for one to get into court, because that means that one has got into trouble. However, it should be remembered by every child and adult that the basic rights mentioned in the Declaration of Rights at the beginning of this Constitution are aimed to protect every citizen in his rights and liberties, and that it is the business of the courts of the State to protect the individual in the enjoyment of these rights.

To make the functions of courts clear, the following episode will serve. Judge Wade, a Federal judge of a district in Iowa, relates the case about this way:

Early one winter morning a young "tramp" was found by a railroad detective near the railroad tracks in Iowa City. He was attempting to prepare a little breakfast. Not far from where he was a number of automobile tires were discovered hidden. Now, these tires had been taken from a freight train which passed through Iowa City that night. As the tires were part of an interstate shipment, the trial of the one charged with stealing them had to come before a Federal court. Accordingly, the tramp was brought before Judge Wade.

The prisoner was asked, "Are you guilty or not guilty?"

The young fellow said, "Judge, I'm not guilty, but I might as well plead guilty and take my medicine."

This hopeless reply astonished the Judge, and he rather

reprovingly asked the young fellow where he was when that train passed through Iowa City, and whether anybody could testify concerning his whereabouts at that time.

The young hobo said, "Yes, at that time I was in Newton, and two railroad men at that place saw me there. But they wouldn't say anything in my favor, and I have no money to hire a lawyer. So I guess I'll have to take whatever is dealt out to me."

At this the Judge reminded him that he had evidently not studied the Constitution of the United States, for that Constitution provides that one charged with crime shall have a public trial and that compulsory processes may be used to compel the attendance of those who can witness in his behalf.

"Now," said the Judge, "even though you have no money, I will appoint an attorney to represent you and he will serve without pay. We shall summon the two men at Newton and they will come to testify." All of this was done and the young hobo was freed from the charge.

CHAPTER XIII

FOR VOCABULARY BUILDING

non-political judicial ballot
 organized and laboring men
 civil and criminal matters
 compulsory processes
 preliminary hearing
 judiciary article
 reversed the case
 anti-injunction
 judicial powers
 judicial recall
 judicial needs
 technicality
 jurisdiction
 basic rights
 trivial

CHAPTER XIV

HOW VOTERS EXPRESS THEIR WILL

As has already been pointed out, there are three great departments of government, one to make the laws, another to interpret them, and still another to carry them into execution. Sometimes we hear a "fourth department" of government spoken of, called the electorate. This department, if we may call it that, is made up of all the citizens of the State who are entitled to vote. The chief political duty of a member of the electorate is to go to the polls on election day and cast his ballot. This vote represents the choice, on the part of the elector, of the various candidates for office. Sometimes the vote concerns a law that has been proposed. Occasionally the elector is called upon to favor or oppose the borrowing of money for some public use. Whatever the vote may be it is the one constitutional method by which the voter makes known his wishes and does his political duty.

A Privilege to be an Elector

Not every citizen or resident can be an elector, or voter. The law specifies certain requirements which a person must meet before he can have the privilege of voting. For instance, a man or a woman must be twenty-one years of age before being permitted to vote. One must not have committed a crime for which he has served a prison sentence, or, if he has, he must have had his rights restored. One must have resided in the State for a year and within the county and precinct for thirty days. If the vote has to do with borrowing money, one must be a property owner before he may vote. Thus we see that an attempt has been made to extend the privilege of voting only to those who are capable of exercising that privilege

wisely. Arizona is very democratic and the privilege of voting has been extended to a relatively large per cent of our people.

When the Constitution was being drafted in 1910 quite an effort was made to write a provision into it permitting the women of Arizona to vote. Some of the western States had already permitted women to vote before this, but the idea was still new in 1910. At any rate, it was not inserted in our original constitution. Later, the men of Arizona decided that the women should be privileged to vote, and when the amendment to that effect was submitted in 1912, it was overwhelmingly carried. That amendment to the Constitution makes it possible for the women of Arizona to vote and to hold office, on terms of equality with the men.

Many Vote Slackers

It would seem, after all our talk about government "of the people, by the people, for the people," that the limited number of citizens and residents who are permitted to vote should regard it as a vital public duty and be glad to give so small an amount of time to it once every two years. Especially does it seem that the women, who have so recently been permitted to vote, should be anxious to do so. Unfortunately, such is not the feeling of many voters. In recent years, as shown by the election returns, a large per cent of the voters stayed at home. Not more than fifty per cent of the voters of Arizona cast their ballots at the election in 1926. During the World War a term of terrible meaning was coined and came into general use. If a man did not do his patriotic duty he was branded a "slacker." That term has since come to be applied to those who do not perform their duties at the polls. Such a man is called a "vote slacker."

Article VII of the State Constitution has sixteen sections giving specific directions as to who shall vote and how it shall

be done. The whole matter is so complicated that it has required a great many laws by the State Legislature and by the people to regulate fully the matter of elections. Every elementary school pupil should gain a general idea of how elections are conducted and how the wishes of the voters are known.

Every two years the choice of candidates for State and local offices is put up to the qualified voters. Such a choosing of public officers is called an election. Those who have a vote in the matter are commonly called voters, but the law usually refers to them as "electors." In order that the people may not have to travel too far and neglect their business too much to perform this duty, places in every community are arranged where the voting may be done. Such voting places are called polls. When the voters express their choice at the polls they do so by marking certain official papers in a designated way. These papers are called "ballots."

Purity of Elections Safeguarded

One reason why there must be such a mass of detailed regulations concerning elections is that it is a matter of fundamental importance in our country that elections be carefully supervised and properly conducted. Wicked and designing men often have much to gain by influencing an election. They may want to be elected, or to aid an evil intentioned person to be elected, or to get a selfish law passed which would be detrimental to the State.

It is the theory of our government that the law is but an expression of the general will of the people. The only way in which the will of the people may be known is by the result of these elections. Nothing can be of more vital importance to good government than that the purity of elections be safeguarded. By that we mean that the elections shall be so regu-

lated and conducted that the will of the majority of the people shall be really determined.

No doubt you have been near a voting-place on election day and have observed men and women handing out cards and talking to those who had come to vote. The law specifies that there shall be no soliciting of votes, or influencing of voters, within fifty feet of the polling place. Once a voter is within that fifty-foot limit, no one may legally suggest to him how he ought to vote. The election officials of course will give him instructions in an impartial way if he needs help in voting. As a further safeguard against improper influence upon voters, we have in Arizona the secret ballot, which needs to be fully explained.

The Australian Ballot Used

Before the secret ballot was adopted it was quite a common practice in our country for voters to express their choice verbally, or, as it is expressed in Latin, "viva voca," that is, by means of the voice. It was done in this manner. The election officials were seated about a table and the voters passed by in single file. As each voter passed the table he named the candidate or candidates for whom he wished to vote, and the judges made a record of the matter. This oral system of voting had great defects, as it often forced a citizen to vote for a man whom he did not favor but who exerted some influence over him. Under that system of oral voting an employer of men might force his laborers to vote as he demanded. If they did not he would discharge them.

The evils of oral voting became unbearable and the secret method was introduced. The idea was borrowed in part from Australia, and for that reason the secret ballot is often called the Australian ballot.

Any ballot is a secret ballot that permits the voter to mark

it in a private booth where he will be unobserved and afterwards deposit the ballot in the ballot-box in such a way that there is no means of knowing how he voted. The ballots are usually marked by placing an "X" in certain designated places and no writing whatever is required. The voter neither signs his name nor writes anything upon the ballot whereby it could be identified. It is true that when one receives a blank ballot on entering the polls there is a perforated strip or stub at the top of the ballot and on that stub is written a number opposite that voter's name in the Great Register of voters. When the voter has marked his ballot privately in the booth, he folds it by bringing the bottom of the sheet up to the perforated line, leaving the stub projecting above. Then he folds the ballot once more and hands it to one of the election officials. Folded as it is, no one can see how he has marked it. In the presence of the voter, the official tears off the extended stub and places it on a file, while the ballot itself is dropped into the ballot-box. Once the stub has been torn off the ballot, it is impossible to identify any individual's ballot. So we have complete secrecy of voting in Arizona.

Registration Required

Section XII of the Article on elections requires the Legislature to enact registration laws to secure the purity of elections and guard against abuses of the franchise. Try as we may, there are many irregularities connected with every election. The prize of political office is so great that men are tempted to violate the law in order to be elected. Prominent among the abuses is that of voting more than once or, as it is frequently called, repeating. Sometimes voters who do not live in a certain precinct will attempt to vote in that precinct though they may have voted elsewhere. To minimize all this evil the law requires every voter to be registered a certain

length of time before the election. The book containing the names of all qualified voters within a given election district is known as the Great Register. As stated above, when one appears at the polls to vote, the election officials inquire his name, then turn to the Great Register to see whether he is registered. If he is, his name appears after a certain number. If his name is found on the register, his number is marked on the stub of the blank ballot which is handed to him. If he is not registered, he is not furnished a ballot and is not permitted to vote.

Uniform Date for Elections

As certain Federal officials are elected on the first Tuesday after the first Monday of November every four years, it is convenient for the State to elect State and local officers at the same time. It should be noted, however, that most State and local officers hold office for two years only. For that reason it is necessary to have these elections every even numbered year. (Of course, elections are held in every county of the State on the same day.)

Article VII, Section 10: "The Legislature shall enact a direct primary election law, which provides for the nomination of candidates for all elective, State, county and city offices, including candidates for United States Senator and for Representative in Congress."

The Constitution thus requires the Legislature to provide for direct primary elections for all State and local officers and both houses of Congress. This matter of primary elections is just a little hard to understand and needs further explaining.

The Primary Adopted in Arizona

There are various political parties throughout the United States, and at the regular election there is a great contest on

between these parties to see which can get its candidates into office. Sometimes the regular election is more of a contest between political parties than it is a contest between individual candidates who are striving to be elected.

Something needs to be done before the general election in November to decide who shall be on the ticket of each party for various offices. For that reason it is necessary, before the November election, that each party should decide within its own ranks upon the man it favors for that office. Accordingly, an election is held in September, known as a primary election. The primary election is really a political "family affair" and the intention is that only members of a party can take part in the primary of that party.

Primary Versus Convention

Primary elections are of comparatively recent origin. It used to be that just before regular elections were held, the leading men of each prominent party would have a convention and discuss party affairs, including candidates. The convention, after considering various members of their party for important offices, would select those that they thought best fitted. This earlier plan of picking candidates within a party is known as the "convention plan." It is still used to choose the highest officials of our nation, the President and the Vice-President.

About the time that the Constitution of Arizona was being made there was a widespread complaint all over America against political nominating conventions. It was said that conventions sometimes failed to put up the best men of the party. For that reason the people of several States changed the plan, providing for primary elections. Having the primary necessitates two elections, as was explained above, but it is said to come nearer expressing the people's choice. This Sec-

tion 10 of Article VII, requiring a primary law, serves as a very good illustration of the influence of political thought of that period upon the formation of the Constitution.

The last part of Section 16 in Article VII deserves some comment. Here again the Legislature is definitely instructed to do something, this time to provide a law requiring publicity of campaign expenditures. This is also a complex but a very vital matter. It also is designed to safeguard the purity of our elections. No doubt every school child has heard his parents discussing political scandals, such as a high official buying his way into office, or spending so much money as to lead the public to believe that some of the expenditures were questionable. If a man spends several times as much to get into office as the salary of that office will pay him, the general idea is that he expects to make something out of that office. All of this means that he will use his power of office for his own gains. This we do not want.

Arizona, along with most of the other States, has a law requiring candidates to make a sworn statement of their expenditures for campaign purposes. But the law has gone even further and specified that the expenses must not exceed certain stated amounts, varying with the office. Thus it is hoped to minimize the evil of spending large sums to corrupt voters and to buy office by turning the full light of publicity upon the candidates. All of these laws which we have just described are very commonly called "corrupt practice acts," because they aim to prevent corrupt practices in regard to political campaigns and elections.

At the time the American Republic was established political thinkers were pretty well agreed that all power of government should come from the people. They held that the welfare of the people is the supreme law of the land, and that the voice of the people is the voice of God. Perhaps part of

this is exaggerated, but so long as our government purports to rest upon the will of the people it is vitally important that the will of the people find expression in the most emphatic and intelligent manner which can be devised.

CHAPTER XIV

FOR VOCABULARY BUILDING

nominating conventions
 campaign expenditures
 corrupt practice acts
 Australian ballot
 registration law
 primary election
 qualified voters
 direct primary
 Great Register
 secret ballot
 blank ballot
 vote slacker
 cumbersome
 electorate
 franchise
 minimize
 precinct
 elector
 polls

CHAPTER XV

HOW OFFICERS ARE REMOVED

The Constitution of Arizona provides two means of removing public officials. The first method outlined in the Constitution is the recall, which is done by voting the officials out. The second method is the process of impeachment.

All Officials Subject to Recall

It will be remembered that a great controversy arose in the convention of 1910 over the wisdom of a provision for voting officials out of office. But it was inserted and made to apply to all public officials in the State. Let us examine this plan more in detail.

A recall election is an election held to decide whether an officer shall continue to hold his office, or step down and out for another person to take his place. After an official has occupied his position for six months, any qualified elector wishing to do so may circulate a petition for a recall election against him. This petition must be signed by twenty-five per cent or more of the qualified voters in the district which elected the official to office. This latter provision means that the petition must have twenty-five per cent of the signatures of the voters of the entire State if it is a State official to be recalled. If it is a county official to be recalled the signatures of twenty-five per cent of the voters of the county must be obtained. Likewise, to recall a school trustee would require twenty-five per cent of the voters of his school district to sign the recall petition. These have been enumerated at length to impress upon your mind that all these officials may be recalled, and also to impress the fact that the law requires twenty-five

per cent of the voters to sign the petition before the election can be held.

Judges Included in Recall Provision

Judges were not mentioned above, but the same provision applies to them. You will remember that President Taft would not accept Arizona's Constitution with the provision for the recall of judges because of the President's opposition. Furthermore, we learned that as soon as admission was gained that same provision was restored to the Constitution. As mentioned elsewhere, only one judge has been recalled, so the judicial recall may not be said to be overworked in this State. A Superior Court judge recently stated that he did not think that the recall provision had adversely affected the courts of Arizona.

State lawmakers were not mentioned above, yet the recall applies to them. However, it cannot be very effectively applied to members of the Legislature. This is the reason why it cannot: Members of the Legislature are usually in active session only sixty days at the beginning of their two years of office, so that their active work as lawmakers ordinarily comes to an end before a recall election could be held against them.

Difference Between Recall and Impeachment

There is a big difference between the recall provision and the impeachment provision. As we shall see later, to impeach an officer he must have committed some serious offense. However, he may be recalled without having done anything wrong. It is this aspect that causes some people to say that the recall arrangement is bad. Theoretically, the voters can recall an elective official six months after he has been in office if they do not like the cut of his hair. When one circulates a recall petition he must specify, in not more than two hundred words,

why the officer should be recalled. If there are enough signatures and the recall election is held, the officer being recalled must indicate in two hundred words why he should be retained in his position. The vote is not merely on this question, "Shall we keep Officer X or not?" Other candidates for the office appear. Officer X is a candidate against Y, Z and possibly others. If Officer X gets more votes than any of the others, he is not recalled, but is retained. If any one of the others gets more votes than Officer X, then Officer X is out, and the other man takes his place.

Right to Hire and Fire

It is a theory of government with us that a public office is a public trust and that elective and appointive officials are servants of the people. If, then, officials are agents to do the will of the people, we may think of them as public employees and the people collectively as an employer. In the business work-a-day world we recognize the right of an employer to hire and fire his help. The recall provision is nothing more or less than an application of the right to hire and fire civil servants.

Impeachment Involves Guilt

Long before the idea of voting officials out of office was known the founders of the Republic made arrangements for the impeachment of officers. The States have the same general plan as is found in the Constitution of the United States. Before an officer can be impeached he must be guilty of a crime, not merely incompetent.

Young students frequently are confused in regard to impeachment. Let us get a clearer meaning of this term. The word impeachment does not mean to "put out of office." To impeach means "to accuse." Impeachment proceedings involve

two distinct steps: first, the officer must be formally accused, then he must be formally tried. The whole affair of impeachment is carried on by the lawmaking body. The lower house has the sole power to impeach. After that is done the upper house, the Senate, has the sole power to try impeachment charges.

The fathers of the Republic threw safeguards around the whole process of impeachment, hoping that the seriousness and formality of it all would prevent injustice being done to an accused official. It was the long, tedious, cumbersome process of impeachment, and the fact that it was rarely used, that led to the introduction of the newer idea of recall which we have described above. Thomas Jefferson once remarked that impeachment was but a scarecrow, and that officials (he had in mind judges), understanding it well, had no fear of it. In any case the recall provision has been no more frequently used than has impeachment. Perhaps the real benefit of both of them is this: Officers knowing that they may be ousted will hesitate to abuse their power for fear of being recalled or impeached.

CHAPTER XV

FOR VOCABULARY BUILDING

administrative officers
members of Legislature
impeachment provision
theory of government
circulate a petition
qualified elector
adversely affected
elective official
recall provision
recall election
qualified voter
civil servants
theoretically
impeachment
public trust
ousted

CHAPTER XVI

EDUCATION, A BIRTHRIGHT IN ARIZONA

Arizona prizes so highly the benefits of education that the Constitution makers did an unusual thing. They devoted an entire article in the State Constitution to this important matter. This is Article XI on Education.

Section 1. "The Legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include kindergarten schools, common schools, high schools, normal schools, industrial schools, and a university (which shall include an agricultural college, a school of mines, and such other technical schools as may be essential until such time as it may be deemed advisable to establish separate State institutions of such character). The Legislature shall also enact such laws as shall provide for the education and care of the deaf, dumb and blind."

It has been deemed advisable to establish a separate State institution for the blind, to be governed by a board of three members appointed by the Governor.

Thus we see that the State educational system is well coördinated, extending from the kindergarten to the graduate college. A number of our larger cities have provided kindergartens. Our grammar schools and our high schools are the envy of other States. Two high-class teacher training colleges, the one at Flagstaff and the other at Tempe, furnish well-trained teachers for the schools of this State, and as a "cap-sheaf" of our educational system there is a flourishing university located at Tucson.

Our university is composed of a number of colleges, chief



TUCSON HIGH SCHOOL

among which are the College of Letters, Arts and Sciences, the College of Mines and Engineering, the College of Agriculture, the College of Education and the School of Music.

Thus sons and daughters of Arizona need not go beyond the borders of this State for any kind of education they may desire.

It will be remembered that this attitude toward education did not originate entirely with the Constitution makers. The Enabling Act itself required the establishment of a public school system in this new State. Congress not only demanded such a school system for Arizona, but very liberally donated public lands toward its support.

Article XI, Section 2: "The general conduct and supervision of the public school system shall be vested in a State Board of Education, a State Superintendent of Public Instruction, County School Superintendent, and such governing boards for the State institutions as may be provided by law."

State Board of Education

Sections 2, 3 and 4 of Article XI provide for the official machinery of our public school system. The State Board of Education is made up of eight members. Five of these members hold their office by virtue of their holding some other position, and for that reason they are called "ex-officio members." The other three members are appointed by the Governor. But the Constitution specifies that these three must hold certain educational offices in order to be eligible for membership on the board.

The ex-officio members of the board at any given time are the Governor of the State, the president of the university, the president of the State Teachers' College at Flagstaff, the president of the State Teachers' College at Tempe and the State Superintendent of Public Instruction. The persons

holding these five positions are for that reason members of this important board. Ex-officio means obtaining official position because of some other official position.

The three appointive members of this board must be selected by the Governor as follows: One must be a city superintendent, one a high school principal and one a county superintendent within the State. Thus it will be seen that seven of the eight board members are prominent educators and school officials. It was thus arranged in the Constitution so that educational problems might be handled by a board well acquainted with school affairs and competent to direct them.

Extensive Powers and Duties of Board

In the school law will be found a long list of duties for this board to perform. It has been given administrative powers to enforce the school laws of the State and also legislative powers to make all laws governing the certification of teachers and the holding of teachers' institutes. It not only grants certificates but may also revoke them.

As a part of its legislative power it makes recommendations to the Legislature concerning amendments to the school laws and additions thereto. It makes rules and regulations which have the effect of law concerning courses of study in the various schools.

In administration the board adopts free text books for elementary schools, directs the distribution of funds to the schools, and controls vocational education and vocational rehabilitation throughout the State.

The State Board appoints the executive officers and assistants employed in the State Department of Education. There are many other things enumerated in the statutes in this vast assignment of prescribed powers.



PHOENIX JUNIOR COLLEGE

Other Boards Provided

The principal "governing boards for the State institutions" in the above quotation from the Constitution that have so far been "provided by law" are: The Board of Regents of the State University, the boards of education for our State teachers' colleges, and the board for the State School for the Deaf and Blind.

The Constitution leaves it entirely with the Legislature to prescribe the powers and duties of the boards named above. These are the groups that control the "general conduct and supervision of our public schools system." By far the greatest prescription of duty and distribution of power has been placed by the statutes in the hands of the State Board of Education.

Institutions for Higher Education

Arizona has three State institutions of college grade, each of which is governed by a board. The State Teachers' Colleges, one at Flagstaff and one at Tempe, are each governed by a board of three members. It will be noted that the State Superintendent of Public Instruction is a member of both of these boards. The other members of these Teachers' College boards are appointed by the Governor. These two boards of three members each then have the official management of their respective institutions, selecting the faculty, carrying on building programs, authorizing the course of study and every needed thing for the proper management of a Teachers' College. The University is governed by a board of regents consisting of ten members, of which the Governor and the Superintendent of Public Instruction are ex-officio members.

Free Non-Sectarian Schools

To carry out the ideals of education developed in our country the Enabling Act and the Constitution expressly de-

clare for a system of free, public, non-sectarian education. We have in America a mixed population differing greatly in blood, social customs and religious ideas. For that reason Arizona has prohibited religious instruction of a sectarian nature and has declared for non-sectarian schools. Religion is necessary for morality and good citizenship, but in a uniform school system such as Arizona has, sectarian religion, splendid though it be, is too varied for uniformity. It can best exert its sacred influence in the various churches and not in the public schools.

The Permanent School Fund

Congress not only required Arizona to have free public schools, but very generously contributed of public land toward the carrying out of the requirement. The chief source of the permanent school fund consists of this public school land. In order to understand how great is this gift to education it will be necessary to say something about how our land is surveyed and numbered in order that we may understand what parts and how much has been dedicated to education.

In Arizona four sections in every township have been set aside for the support of schools. That means that one-ninth of the entire public domain has been dedicated to education. In addition to this, liberal grants of other public lands have been made in order to contribute to the support of the State University, the College of Agriculture and the Teachers' Colleges. Altogether more than eight million acres of land in the State of Arizona have been donated to the cause of education. This is a more liberal provision on the part of Congress than most of the other States have received.

Congress and Education

To appreciate what we have received in land grants at the hands of Congress we must note how Congress has shown



LIBRARY BUILDING—UNIVERSITY OF ARIZONA

increasing liberality in later years. Far-sighted American statesmen as early as 1784 thought it a good idea to set aside a portion of the vast national domain for educational purposes. This action was first taken in regard to the Old Northwest territory, the region which includes the present States of Ohio, Indiana, Illinois, Michigan and Wisconsin. In that territory Congress set aside one section of land in each township as school land. That meant, as we shall explain later, that in the beginning one thirty-sixth of the public domain was devoted to the support of education. As time passed on and new States were formed west of the Mississippi, Congress increased its liberality and in most of these Mid-Western States set aside two sections of land in each township for public schools. That meant dedicating one-eighteenth of their public domain to the support of education. But when Arizona and New Mexico were admitted Congress set aside four sections of land in each township for the support of schools. That means that one-ninth of the whole area of these big new States is dedicated to the cause of public education.

The eight million acres thus set aside for educational purposes in Arizona may be leased or sold by the proper State authorities, but the money thus obtained constitutes a sacred fund for the support of our schools. Provision has been made that only the interest on the money that is obtained and not the principal shall be spent. In this way it is aimed to have a permanent fund which should grow from year to year.

The Constitution specifies that none of this school land shall be valued at less than \$3 an acre. As there are eight million acres of school land in the State, we may say that our permanent school fund starts out with at least \$24,000,000. However, that is a very poor and low estimate, for some of this land lies in irrigated valleys and is worth much more than the minimum price. In fact some school land in the Salt River

Valley has sold at auction for as much as \$600 an acre. If the officials having charge of this permanent school fund but keep it as the Constitution makers intended, a sacred fund for those yet unborn, Arizona can have in years to come even better schools than she now has.

How Our Land Is Surveyed and Numbered

In the above discussion we have spoken of "sections" and "townships." This may not be clear to all pupils unless they have carefully studied the rectangular system of land survey used in our country. Every junior high school pupil is aware that one who owns a piece of land must have a title deed to that piece of land, which indicates his legal claim. For this title deed to be legal it must contain a description of the land so that any competent person can see just what land and how much is covered by the deed. In order to describe land accurately we should know how land is surveyed and numbered. The system used in Arizona is not new, but was originated by law as early as 1784 and was used to survey and describe land in the Old Northwest. Since that time it has become the common system throughout the entire United States. No matter in what State a pupil may live, he will find land surveyed and numbered according to the system we are about to describe. That is another reason why he should understand it, as well as to understand better what is meant by "school lands."

The "Initial Point"

When surveyors go into a new region to survey the land they first select some natural point from which to work. That is usually some natural landmark conveniently located and easily recognizable. Through this point two lines are run, one directly north and south, called the principal meridian, and the other at right angles to the first, running due east and

west. This second line is called the base line. The point at which they cross is called the "initial point."

After these two determining lines are established, other lines are run north and south on both sides of the principal meridian, the lines being six miles apart at the base line. These lines cut the country into strips, which we say are six miles wide and indefinite in length. These strips lie north and south and are called ranges. Is it not clear then that a "range" is a strip of land lying north and south approximately six miles in width and indefinite in length? These ranges lie on either side of the principal meridian and are numbered east and west from that meridian. That is to say, the first strip east of the principal meridian is called Range One East, and is designated briefly as R. 1 E. The strip next to it on the east is Range Two East, or written briefly, R. 2 E. The first strip west of the principal meridian is called Range One West and should be written R. 1 W. And so it is that the ranges are numbered to the very limits of our State.

In addition to these range lines, which run north and south six miles apart, the surveyors also run lines east and west, parallel with the base line. These are also six miles apart. Thus the country when surveyed is cut up into blocks which are six miles square. These blocks are called townships. There is another kind of township mentioned in American Government, but the township we are discussing is a "congressional township," so called because it was brought about by an act of Congress. A congressional township, then is a unit of land measurement six miles square.

Townships are numbered north and south from the base line. The tier of townships lying just north of the base line are all numbered one. That is to say, every township bordering on the base line and north of it is township number one. The tier of townships just north of those numbered one, are

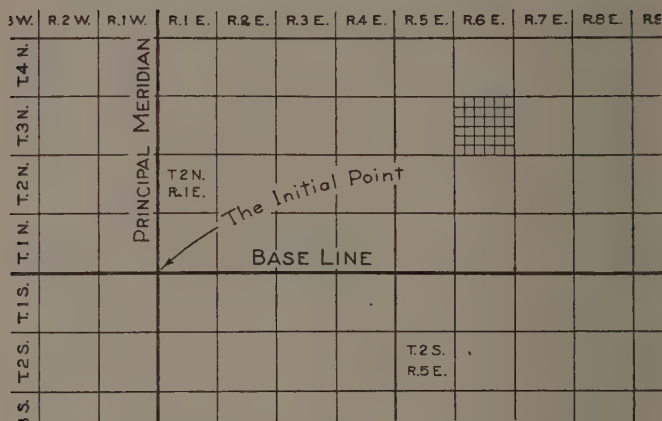


FIG. 1. Showing the subdivision of land into Townships by Township and Range Lines based upon a Principal Meridian and Base Line.

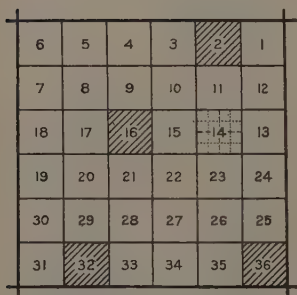


FIG. 2. Showing subdivision of a regular Township into Sections.
See T. 3 N.-R. 6 E. in FIG. 1.

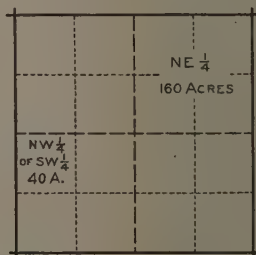


FIG. 3. Showing subdivision of a regular Section.
See SEC. 14, in FIG. 2

each numbered two. The next tier would be numbered three and so on toward the north. In a similar way all of the townships lying south of the base line and touching it are numbered one, and the second tier just south of the first tier are all numbered two, and so on toward the south.

From what has just been said it is evident that if one speaks of township number two it does not indicate any particular township for there are many townships numbered two. If he says township "number two north," it helps some, but still does not make definite and clear which township he means, for there are many townships number two north of the base line. So, if he has a certain township number two in mind, he must tell in which range this township is in order to locate it definitely. Suppose we say "township two, north, range one, east," in referring to a certain township. Now, there is but one township that can be described in that way. To be definite, it is necessary to give the *number* of the township, its *direction*, the *number* of the range and its *direction*, all in detail, and that is the proper way to locate any given township.

Sections of Land

It is clear from our study thus far that a township is a block of land six miles square, and contains thirty-six square miles of land. Surveyors carry on their work further by dividing each of these townships into thirty-six equal squares, which are called sections. A section is one mile square and contains 640 acres of land.

The act of Congress creating this system of surveying specifies carefully how these sections shall be numbered. They are numbered from one to thirty-six, beginning always in the north east corner of the township and numbering west. That is to say, the section in the north east corner is number one, the one lying just west of it is number two, and so on across

the tier, so that the one in the north west corner is number six. Just below number six is section number seven, and the one immediately east of number seven, is number eight, and so on toward the east. Thus the numbering is carried on in this fashion until number thirty-six is located in the south east corner of the township. (In order to get this clearly in mind the pupils should draw a township at least six inches on each side, and then divide that square into thirty-six equal squares by running lines one inch apart each way. The one-inch squares will represent sections.)

Arizona's School Sections

In Arizona the school sections are: two, sixteen, thirty-two and thirty-six, according to provisions of the Enabling Act. If any land falling within these sections had passed into private ownership prior to 1910, an equal amount of other land located elsewhere in the township may be taken instead of that which had become privately owned.

The description of our system of land survey will help to impress upon our minds the location and extent of the public lands in Arizona dedicated to the cause of education.

School Support Through Taxation

Although the wisdom of the founders of this State gave us a magnificent school fund, which was intended to be perpetual, the proceeds from that fund is only a small part of the financial support necessary for our schools. Every year Arizona spends millions of dollars for education. By far the greater part of this large sum must be paid by the tax payers. In this State it costs about \$90.00 annually for every child in the grammar school, and about \$200.00 for every student in the high school. So we see that free education means: free to the pupils because it is paid by the tax payers.

In recent years the State Legislature has followed a consistent policy of appropriating annually out of the State treasury \$25 per capita on average daily attendance, for every pupil in the grammar schools and high schools of Arizona. In addition to this the law requires each county to raise and distribute at least \$45 per capita, on average daily attendance, annually. If the contribution from these two sources is not sufficient to meet the budget for any given district, the tax payers of the district are further taxed to make their schools what they would have them be. Thus we see that liberal provision has been made for our substantial school buildings, free text books and splendid schools.

CHAPTER XVI

FOR VOCABULARY BUILDING

rectangular system of survey

State Teachers' Association

congressional township

permanent school fund

dissipate the fund

principal meridian

Board of Regents

Board of Pardons

public domain

non-sectarian

"Initial point"

land survey

school land

birthright

ex-officio

legal deed

per capita

base line

township

section

range

leased

CHAPTER XVII

LOCAL GOVERNMENT IN ARIZONA

Article III is a short one dealing with counties. The Constitution here has little to say, except to establish the county, and to indicate the officials which each county shall have, as follows: Article XII, Section 3, "Subject to change by law, there are hereby created in and for each organized county of the State the following officers who shall be elected by the qualified electors thereof: Sheriff, Recorder, Treasurer, School Superintendent, County Attorney, Assessor, County Superintendent of Roads, and Surveyor, each of whom shall be elected for a term of two years. . . ."

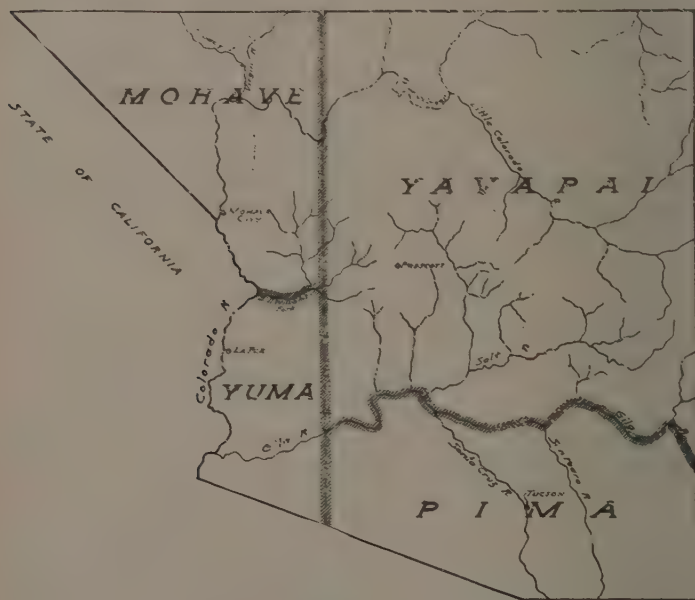
Counties Before Statehood

It may have been a fortunate thing that the Convention of 1910 did not find it necessary to re-make the map of Arizona and divide it into counties. The Constitution merely recognizes the counties which had been in existence in territorial days and accepts them as the counties of the State, providing, however, that new counties may be created when needed.

The fourteen counties of Arizona are all rather large. Coconino County is one of the largest counties in the United States. The average Arizona county is larger than some New England States. That fact is due to this, that our large State is rather sparsely settled as yet, and our people are scattered over a large area.

Arizona counties grew up naturally. The Territory of Arizona originally had four counties and, before Arizona became a State, the four had grown to fourteen. A large number of these were carved out of Yavapai and for that reason we call Yavapai the "Mother of Counties."

As settlers came into different parts of the territory, or as mining camps sprang up, the people in those sections felt the need of local government, so from time to time they asked that a new county be formed by the Legislature. We have not space here to relate how each county originated, but each one



THE FOUR ORIGINAL COUNTIES

of them had a history. No doubt, in the coming years some of the present counties will be divided and new counties be organized just as was done in territorial days. The Constitution provides that the State Legislature, under certain conditions, may create new counties. Already there have been attempts made to divide some of the larger counties.

Should Large Counties Be Divided?

Just when should a county be divided? One is impressed with the fact that the old eastern States and those in the middle west have many small counties. Of course, where the popu-



PRESENT-DAY COUNTIES

lation is great one would expect more counties, but should they be so small?

County government is so vital that the seat of it should not be very far away from any citizen. But we have much better roads to-day than we formerly had, and the automobile has made swift travel possible for everyone. In fact, the whole tendency of good road building and automobile transportation has done away with the need of small counties. Then, too, the county government should be housed in a good courthouse, or county seat building, and the county public buildings should be ample and substantial. All these, together with the cost of the salaries of county officials, make a heavy burden upon a relatively small population. For that reason, we believe that counties in the future will be larger rather than smaller.

The counties of Arizona are typical counties, being in that respect similar to those of the southern States, where there are few large cities. Arizona counties have the usual county officers found throughout America.

Duties Fixed by Law

If one wished to study the duties of county officers, he would find them in the Statutes of Arizona, that is, the laws that have been passed by the Legislature. Counties are but political subdivisions of the State, and county officials can exercise no power except that conferred upon them by the State. Therefore, the laws passed by the Legislature specify very minutely and at great length just what each county officer shall do.

County government is one of the most important phases of local government that we have and comes close home to every citizen. It is the county government that does so many vital things for us. It builds our roads, furnishes our schools, protects our property, records our deeds, probates our wills, col-

lects our taxes, takes care of us if we are poor, and does many other things too numerous to mention. County government, then, is far more important than might be judged by the relatively small space given to counties in the Constitution.

Municipal Corporations

The high-sounding term, Municipal Corporation, is merely another name for city. Arizona as yet does not have many cities, but liberal provision has been put into the Constitution for organizing cities. There are a good many towns in Arizona not yet organized as cities from lack of sufficient population, but when the population is large enough, most every village community wishes to become a municipal corporation that it may have certain legal rights and privileges and some degree of self-government.

At the present time the law provides that when any town has a population of three thousand five hundred or more, a certain number of its citizens may draft a city charter, and when such a charter has been approved by State authorities and ratified by the voters of the town it becomes the Constitution for the city. This is a very liberal provision wherein the State by law extends to every city a large degree of self-government.

Arizona is going through the same transformation that our nation as a whole has been passing through. Our country a few years ago was chiefly a rural community, and now Americans have become a nation of city dwellers. Similarly, Arizona has been a community of rural folks, or those scattered in villages and hamlets, or those living in out-of-the-way places in the mountains; now Arizona is fast becoming a community of city dwellers. Our Constitution makers aimed to aid the growth of cities, probably realizing that in cities the best of social well being and worthwhile living conditions may be had.



YAVAPAI COUNTY COURT HOUSE, PRESCOTT

Ordinarily, it is in the cities that we have our best school systems, the best hospitals and modern sanitation, the most comfortable homes and all that makes for full and complete living. Modern science has made it possible for cities to be ideal dwelling places.

If conditions within a city are not the best, it is probably due to bad political management. This may be traced back to the fault of the people or the fault of the constitutional provision. When we say that the Constitution of Arizona gives a large degree of self-government to our cities, it merely means that citizens of those cities are enabled to build as their judgment and wisdom dictate. The responsibility, then, for any mistake in government of Arizona cities rests squarely upon the people who live in those cities.

In Section 2, of Article XIII, we find this statement: "Any city containing now or hereafter, a population of more than three thousand five hundred, may frame a charter for its own government, consistent with, and subject to, the Constitution and laws of the State. . . ."

If a city takes advantage of the above section and frames a city charter which is acceptable, the charter indicates the main provisions of government for that city and the chief officers. In other words, the city charter becomes a sort of constitution for the city.

Most of Arizona's towns are new and have features of government as new and modern as are their public buildings and street improvements. One rather new feature of town government is the modern idea of a small council of commissioners who manage the municipal affairs. If the town has a City Manager, he carries most of the responsibility, otherwise the councilmen are responsible for the way the town affairs are handled.

CHAPTER XVII

FOR VOCABULARY BUILDING

“Mother of Counties”

Statute of Arizona

county government

local government

qualified elector

territorial days

sparsely settled

county officers

City Manager

commissioners

qualifications

county seat

corporation

municipal

facilitate

rural

CHAPTER XVIII

THE NATIONAL GUARD

"The militia of the State of Arizona shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years . . ." So reads Section 1 of Article XVI on the militia. This article is a short one, specifying further that the State militia of Arizona shall be called the "National Guard of Arizona" and that its organization shall conform as nearly as practicable to that of the Army of the United States. A section in Article V makes the Governor commander-in-chief of the military forces of the State, except when such forces shall be called into the service of the United States. Sometimes it is necessary, in case of serious or widespread disorder, to declare martial law within the State and call out the State militia to preserve order. At such a time the Governor has increased powers as commander of the National Guard.

It has always been a theory of our Federal Government that every able-bodied man within a certain age limit should be held responsible for military duty in time of need, but we Americans have not always agreed among ourselves as to whether we want a national army or State forces. George Washington had a great deal of trouble in the Revolutionary War because his army was made up of contingents from various States who did not act together as a unit. This caused General Washington to long for an effective national army.

On the other hand, Patrick Henry complained very bitterly against the proposed Constitution of the United States because of the fact that it made the President of the United States commander-in-chief of the army and navy and placed the State militia under his charge in time of trouble. Since

that time many statesmen have warned against a standing army and have felt that such military forces as we absolutely need should be made up of State units like the Arizona guard.

However, all of us know that a certain amount of armed force is necessary to quell disorder and to furnish domestic protection. And so long as war threatens between nations no State of the American Union is fulfilling its obligation to the nation unless it has a part of its militia ready for instant action. The Federal Constitution contemplates that these State troops shall be a part of the army of the United States and kept in readiness to be quickly merged into one effective fighting machine in case of war.

The important thing to note in the opening quotation from our State Constitution is this constitutional obligation resting upon every able-bodied man between the ages of eighteen and forty-five years. It is a command by the Constitution to every such able-bodied man to render military service if called upon. Several times in American history it has been necessary for the various States to put that military provision into force. We like to look upon the Constitution as an instrument safeguarding our personal rights and liberties, but we must not overlook its other aspect. It places upon us certain grave responsibilities. One of these responsibilities is to take up arms to fight for our country.

In 1917 a young man who was a student at one of the State schools was enrolled in the author's class in Constitutional Government. During the semester numerous short examinations were given by the instructor to see whether or not the students were getting the materials of the course. On one of these examinations this student wrote the following in answer to a question:

"The Constitution is the supreme law of the land. All State constitutions and laws enacted by Congress or State law-

making bodies must conform to it. All officials take an oath to protect and defend it. All citizens between certain ages are expected to uphold it even to the extent of giving up their lives."

On this particular paper the student got a grade of "B." The permanent record for him in the office of the school shows that he received a "B" for the course.

In the latter part of 1917, after America entered the great war, troop trains went hurrying across the country carrying thousands of our young men to military camps for hasty training. On one of these troop trains was that student. He with several others had dropped school work and enlisted. However, the young men from that particular school needed little further training, as they had been well drilled in military tactics.

Consequently our student friend was among the first of the American forces to go into action in France on shell-torn fields that were very different from the peaceful valleys of Arizona. In one of the bloodiest engagements in which the American army took part he lost his life in the line of duty. Our young student was less fortunate than the "Unknown Soldier" (unless he be that "Unknown Soldier"), for he was buried on foreign soil.

What shall we say of this young man's knowledge of and appreciation for the Constitution of the United States? The school record shows a grade of "B," but in the hearts of our people he has an "A." He is cited as typical of the khaki-clad boys who passed a good examination on the battlefields of France.

At the Pass of Thermopylæ in Ancient Greece there stood a monument bearing the inscription: "Stranger, go tell at Sparta that we lie here in obedience to their command." These men were the three hundred Spartans who, under Leonidas,

died at the pass because the Constitution of Sparta demanded it of them, and because it had inspired them to do their duty to the last extremity. Similarly, an inscription might well be written over that cemetery in France where Arizona boys, together with other American boys, rest: "Stranger, go tell the American people that we lie here in obedience to their command, as expressed in the Constitution of the United States and in the Constitution of the State in which we lived."

This is narrated to give a little fuller understanding of what we mean by the term "Constitution." In regard to military duties and responsibilities, as in regard to personal liberties, the Constitution of the nation and the Constitution of the State are alike—one confirms the other. We may think of them as one.

The "Constitution" (the State and the Federal combined, or either alone) is very powerful, both to give and to take away, to protect and to require. It saved a young New England hobo, alone and friendless, from prison when he was wrongfully accused of stealing automobile tires. It took a student from a quiet home in Arizona and called upon him to give up his life on the battlefield of France.

For us, as well as for both these young men, the "Constitution" is a vital thing. Let us appreciate what was so deeply impressed upon their minds—that is, that the "Constitution is the supreme law of the land."

CHAPTER XVIII

FOR VOCABULARY BUILDING

Constitutional obligation
contingents from States
 national guard
 national army
 standing army
 supreme law
 martial law
 militia

CHAPTER XIX

A NEW WATER LAW

Article XVII of this Constitution is the briefest of the entire document but one of the most important. It pertains to water rights. Arizona lies in the arid belt where a large part of its surface is sun-scorched plain and desert, unfit for human habitation without an assured supply of water. In other words, water means life in this region, and without water there can be no life. It is not surprising then, to find water rights mentioned prominently in the basic law.

This article is made up of two sections, each being but a single sentence. It is remarkable how much can be said in so few words. This provision is typical of what Constitutional language ought to be. In these two sections two broad, basic principles are laid down which should be adequate for all time. Further details have rightfully been left to be worked out by the State Legislature.

Riparian Rights

In Section 1 it is affirmed that the common law of riparian water rights shall not be in effect in the State. This needs considerable explaining to make it quite clear. What is meant by common law doctrine, and what are riparian water rights?

As we have seen in another connection, the common law refers to those ancient principles of justice which our ancestors in England and America found to be sound and serviceable. The common law may be said to be "judge-made" law, and consists of many court decisions handed down through a long period of time in this country and in the Mother Country. Evidently, then, the common law is as nearly fair and just as the human mind can devise. So much do we prize common



(Courtesy of Water Users Association)

HORSE MESA DAM



(Courtesy of Water Users Association)

MORMON FLAT DAM

law principles in general that our courts follow them if there is no legislative enactment to the contrary.

But this common law doctrine of riparian rights seems to be questioned, since it is forbidden in this State. Riparian water rights do prevail in most of our States east of the Rocky Mountains. Those who came into Arizona from the eastern or mid-western States were well acquainted with the idea of riparian rights. Why have they changed the rule?

The word "riparian" has reference to the banks of a stream, and riparian rights are those rights claimed by the owner of land bordering a stream. If the stream is not a navigable river, the man who owns the land on either side of it, to all intents and purposes, owns the stream, and may do with it very much as he pleases so long as he does no harm to another's property. In the middle west, where irrigation is undreamed of, because it is a land of sufficient rainfall, the man who owns the land along the bank of a stream may forbid any one crossing his land to get water from that stream. If another man wishes to haul a little water for his live stock, he must first get permission to cross the land to reach the stream. That idea seems perfectly fair, as it very seldom occurs that any one, even the owner, wishes to take water out of the stream. Where this system prevails, those who own land along a stream may act the part of the "dog in the manger" regarding the use of that water.

A Different Law in Arizona

In a dry country like Arizona, and the whole of the arid southwest, such a scheme of things would not be just or fair at all. So a contrary principle has very logically been developed here. Since there is not water enough for all possible uses, it must be conserved. It seems to us, out in this region, that water should be used only for beneficial purposes, and

that it ought to be used by any one who can use it best—and who gets it first. If, then, a man owns some land that might be cultivated, if he had water for it, and if there is water in a stream some distance away, the owner of the tillable soil has the right to cross the other man's land, if necessary to obtain the needed water. He would need to condemn a right of way and pay a suitable compensation for the land taken.

Thus a new water law has been adopted in this region, which we may call the "Law of Prior Appropriation" or the "Law of Beneficial Use." Those terms merely mean that one obtains and holds the right to water in Arizona by getting it first, and using it beneficially. It should be added that he is supposed to use it economically.

New Principles of Spanish Origin

We take great pride in tracing the origin of many of our political and social institutions back to England or early America. We are constantly referring to such things as Anglo-Saxon or Anglo-American, and we may well be proud of what we have inherited from our forebears, but this new idea about water rights came from a different source.

Long before Anglo-Americans occupied Arizona, the southern part of this State was the northern frontier of New Spain, and the Spaniards were tilling irrigated fields in the region along the Gila, and of course they tilled the valleys of Mexico. They acted on the principle that the water belonged to the one who got it first and who could use it beneficially. In fact, the Spaniards in the new world had been well acquainted with these conditions in their homeland of Spain. Spain is a semi-arid land, and much irrigation is used there. It is an evidence of broadmindedness and good sense that the Anglo-American settlers of Arizona took their cue from the men of



(Courtesy of Water Users Association)

CANYON LAKE ABOVE MORMON FLAT DAM



(Courtesy of Water Users Association)

TYPICAL HEAD GATE IN IRRIGATION SYSTEM

New Spain and adopted a water law which is very appropriate for this country.

Judges Broadminded as Well as Wise

Prominent judges in Arizona Territory were men trained in American and English law. They had grown up in the eastern States where the old law of riparian rights prevailed, but they were sensible enough to see the appropriateness in this region of the law of Prior Appropriation and Beneficial Use. Even in territorial days they handed down decisions which established that new idea here. We may mention with pride that other States in the semi-arid west, especially those in the Rocky mountains, have patterned very largely after Arizona in respect to water rights.

The last Section in Article XVII merely confirms on the part of the State of Arizona all the water rights which had been established and recognized in the Territory of Arizona. This was done so that those who had obtained water rights in territorial days, and had come to rely upon them, should not be deprived of those rights under the new State government. Much irrigation had been developed in Arizona Territory long before 1910.

CHAPTER XIX

FOR VOCABULARY BUILDING

constitutional language

common law doctrine

hand down decisions

legislative enactment

riparian water rights

political institutions

"dog in the manger"

Anglo-Americans

social institutions

Mother Country

right of way

compensation

New Spain

forebears

basic law

CHAPTER XX

THE LABOR ARTICLE

Article XVIII pertains to labor. The labor article of the Arizona Constitution is about a page and a half in length and is somewhat briefer than the other articles, but is crowded full of some very important provisions. Some of these are so complex and involved that only a lawyer can understand them fully. Article XVIII was drafted by a committee of five in the Convention of 1910, and four of those five men were members of organized labor unions. We may expect, then, the provisions of this article to be quite friendly and favorable to laboring men.

When it is recalled that laboring men in Arizona Territory often suffered injustice at the hands of employers, we understand how very important it was to the laborers to have one rule of the game so made that they, themselves, would be more favored. Since the general prosperity of a State depends largely upon the prosperous condition of the laboring classes, we feel that the basic law should be favorable to them, if at the same time it works for the general good.

The Eight-Hour Day

The labor article starts out with the interesting statement that "Eight hours and no more, shall constitute a lawful day's work in all employment by, or on behalf of, the State, or any political subdivision of the State." In 1910, when this was written, it was regarded as an advanced step. Before this time, organized laboring men had been struggling to get their employers to consent to a ten-hour day. In some industries, at that time, the twelve-hour day was customary. At the present time the eight-hour day is the usual thing. But it has become

the usual thing on the part of private employers, largely because the State, the counties and the towns recognized the eight-hour day in the employment of labor at the command of the State Constitution.

Employment of School Children Restricted

In Section 2 it is declared that "no child under the age of fourteen years shall be employed in any gainful occupation at any time during the hours in which the public schools shall be in session." Thoughtful people had felt for a long time that the government should prevent the working for long hours by children, for it was a detriment to their health, and a loss in their education. Human selfishness had prevented the freeing of children altogether from labor, but the Constitution proposed to remedy matters, at least to this extent, that schools shall be furnished to all the children of the State and that no child shall be kept out of school because of work. We know that the compulsory school attendance law is not even yet fully enforced, but this provision is humane and just in its spirit. A great change for the better has come as a result of it.

Common Law Modified

Sections 3, 4, 5 and 6 refer to old common law principles concerning labor which are regarded in Arizona as being out of date and unfair in this modern age. All of these pertain to technical points of law, but they mean, in simple language, that the old judge-made laws of former years shall no longer be in force, and that the "rules of the game" shall be changed on account of the changed conditions under which we work. All this favors the laboring man. In the preceding article you learned that the common law concerning water was not just in the arid southwest. In somewhat the same way, the common law concerning "servant and master" is not fair when

applied today between "employer and employee" in our complex, modern society.

Sections 7 and 8 require the State Legislature to enact certain laws for the benefit of those who may be injured in industry. The Legislature of Arizona has carried out that part of the Constitutional requirement, and we have today what is regarded by many as the most modern Workmen Compensation Law in America.

Exchange of Black Lists Forbidden :

In Section 9 the exchange of black lists is prohibited. The name "black list" is almost self-explanatory. In our country we have had many labor disputes and serious labor wars between employers and working men. In the heat and hate of these industrial conflicts many wrongs and acts of injustice were done. Such conflicts were as bad and almost as bloody as military wars between nations. Years ago it was a common practice for big employers, in such businesses as mines and railroads to keep lists of their workers who had gone on strikes, who had caused trouble, or who for some reason had had to be discharged. Such lists were called black lists, and a man whose name was on such a list would never be re-employed. That was cruel and, at times, unjust. To make matters worse, large employers would exchange these black lists with each other so that if a man got on one black list he could scarcely get employment anywhere afterward. This seemed to the laborers so unfair that they used their influence to prohibit the exchange of black lists in this State.

American Citizens Favored

The first statement in Section 10 of the labor article deserves careful study. It declares that no person who is not a citizen of the United States shall be employed by the State or

any of its political subdivisions. That means that unless you are an American citizen, you may not teach school, hold public office, or be employed by any kind of government within the State of Arizona.

Patriotic societies are continually calling our attention to the splendid benefits of American citizenship. In fact, we study American history, and constitutional government, that we may get some idea of what it means to be able to say, "I am an American citizen." However, when we see all around us men who are aliens earning high wages, prospering under our laws, and receiving with us the equal protection of our government, we wonder if there is any substantial benefit in being an American citizen. This is not the place to enumerate those substantial benefits, except this one: you cannot legally be on the government payroll in the State of Arizona unless you are an American citizen.

CHAPTER XX

FOR VOCABULARY BUILDING

citizen of the United States
constitutional government
workmen compensation
political subdivisions
self-explanatory
American citizen
judge-made laws
technical points
labor unions
common law
black lists
employer
employee
aliens

CHAPTER XXI

TRANSPORTATION

In Chapter twelve it was necessary to look to some source other than the Constitution to find the duties of certain minor executive officers, because the Constitution did not indicate those duties. In the present chapter we are to discuss one of the most important matters of State government, about which, also, the Constitution is strangely silent. This subject is transportation.

Next to education, transportation is the most necessary subject to which the government of Arizona can give its attention. After the cost of education, which is the largest item of expenditure in Arizona, comes the expense of highway building and maintenance. Education has an entire article of the Constitution devoted to it, but strange to say, no such provision has been made there concerning the equally important matter of transportation. This lack is probably due to the fact that education is an old subject and that transportation has been revolutionized completely since the Constitution of Arizona was made. Certainly, in 1910 no one but a prophet could possibly foresee the enormous change in transportation which has come about in the last twenty years.

An Important Commission

When the Constitution was made, the most important work of transportation in Arizona was that done by the railroads. Up to that time railways had been built all over our country by private corporations. The history of these roads contains some dark chapters as well as many brilliant ones. It was the universal experience of other States that the greedy

railway corporations, in order to increase their profits, charged high rates, and did many things contrary to the interests of the public. All this was done in spite of the fact that the railroads had been favored by the government with extensive land grants and other subsidies to aid them in building their lines.

The Territory of Arizona had been as generous as the older States in the encouragement of railroad building, but in order to avoid the difficulties which other States experienced, our Constitution makers provided for a Corporation Commission, one of whose duties would be to regulate all common carriers within the State. This commission, made up of three men, has the power then to determine rates, to fix conditions of transportation here, and to look after the interests of the shippers and of the travelling public.

Public Highways

It appears that the Constitution makers endeavored to regulate the common carriers existing at that time, but the remarkable recent development of automobile transportation has created new problems. Highway building on the part of the State has been made necessary, and improved State highways have brought about new kinds of transportation to be regulated. If the Constitution of Arizona were being written today, there would undoubtedly be inserted in it an entire article on roads and highways. In 1910, however, there were but few highways in Arizona, and they were little more than trails built and kept up by local communities. Arizona did what most of the Eastern States were doing at the time, she permitted the roads to be looked after by county or district officials. This entire situation has been changed completely by the automobile, so that the creation of a Highway Department and the enactment of extensive laws concerning motor vehicle transportation has been required of the State Legislature.



A HIGHWAY MAP OF ARIZONA

Some of these laws are so important that we may regard them as equivalent to Constitutional provisions.

Evolution of Transportation

Geography plays an important part in transportation. Arizona is drawn on a large scale and has an irregular surface. Accordingly about every kind of transportation known to man has been tried here. So far as we are able to find out, prehistoric men in Arizona had no beasts of burden and consequently carried their loads on their own backs or heads. The early Spaniards introduced horses and burros into this region, and the burro has been used ever since to carry the white man's load in the mountain districts where no trails exist. The burro was not only the first transportation agency to be used in Arizona, but is still an important one where other means cannot be employed. To the burro belongs the credit of laying the foundation of this commonwealth.

Arizona's growth was long retarded by the lack of railroads, but about fifty years ago two lines were built across the Territory. One of these was the Southern Pacific which was built through the Gadsden Purchase, the other was the Atlantic and Pacific, now called the Santa Fe, built through the northern part of the Territory. Both of these were transcontinental roads and were constructed as a part of that great national railroad building program following the Civil War. In that generation the great aim was to connect the Mississippi Valley and the Pacific Coast. At that time Arizona did not have enough population to warrant the building of railroads here, but profited by the fact that transcontinental lines must cross this region to reach their destination.

Arizona an Obstruction

One of the most curious and interesting facts in the whole history of transportation here, is that Arizona has been an

obstruction in the path of those who wanted to get to some other place. Originally the whole idea was to "get across." For three hundred years Arizona was one of the Spanish Provinces on the northern frontier of New Spain. California and New Mexico were also parts of the northern frontier of New Spain, and both were far more important to the Spaniards than was Arizona. During these centuries the Spaniards were puzzled as to how to get across Arizona. They had settlements along the Pacific coast in California, at San Diego, Los Angeles, and Monterey, and they had important settlements in New Mexico at Santa Fe and along the upper Rio Grande. Between these Spanish settlements Arizona jutted as a barbarous wilderness difficult and dangerous to cross.

Father Kino spent several years of his life trying to find a way across Arizona from Sonora to Spanish California, and finally succeeded. This was the trail used by Anza when he led his expedition of two hundred forty-four men, women, and children from Tubac, Arizona to found the settlement of San Francisco. Anza appropriately called this trail the "Devil's Highway."

It was to discover a means of crossing Arizona that Father Garces tramped or rode mule-back several thousand miles over this region. Garces followed the Grand Canyon east as far as the Hopi Villages where the Indians stopped him and turned him back. He was looking for a trail between Monterey and Santa Fe. Such a highway from New Mexico to the sea should, he first thought, lie across Arizona. Following the failure of Garces, Escelante left Santa Fe and started west, bound for the Pacific coast. After travelling for two thousand miles in a five month's trip, a good share of which was just north of the Grand Canyon in Arizona, Escelante decided that it would be easier for Spaniards in Santa Fe to communicate with Spaniards in Monterey, California by way of Mexico

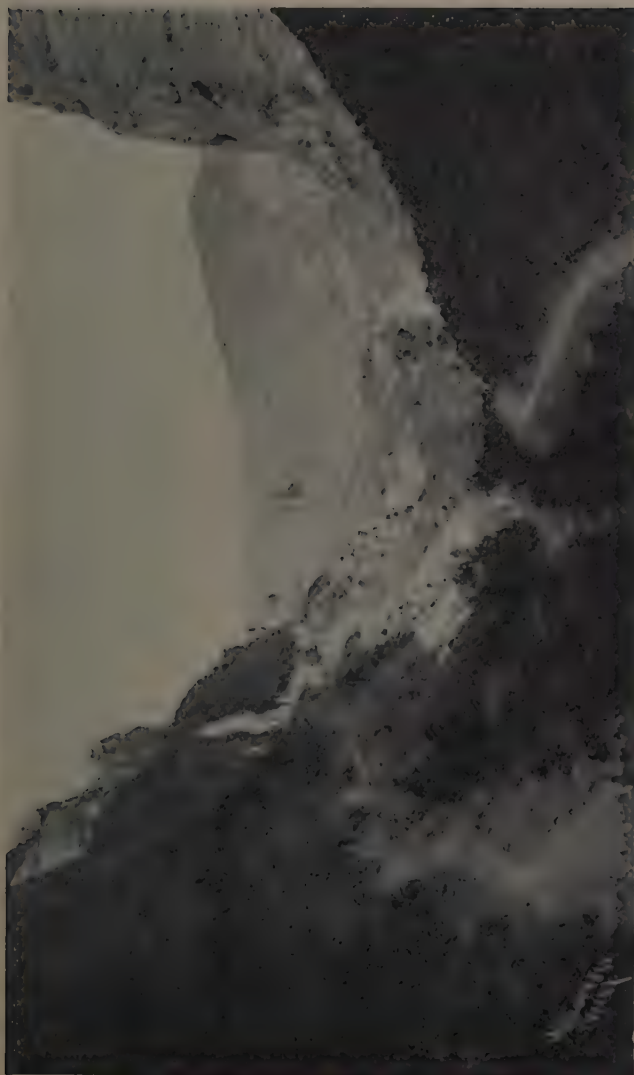


Photo by McCulloch Bros.

FISH CREEK HILL—APACHE TRAIL HIGHWAY

City, thus going around the Arizona region which was too difficult to cross.

On the Way to California

At a later time Anglo-Americans, in their mad rush to the Pacific Coast, found Arizona an obstruction in their path as had the Spaniards. This was especially true with the "Forty-Niners." However, long before the discovery of gold in California a tide of migration from the Mississippi Valley had begun to pour across the wilderness to the Pacific Coast to the far famed land of California. Many harrowing tales could be told of the dangers and difficulties of the passage across Arizona. Such was the state of affairs until the courage of the railroad builders laid two transcontinental lines through this region. Then it was that Arizona began to come into its own.

A later development was the effort of auto traffic to "get across." Recently several ocean to ocean highways have been laid out crossing this State. The Old Trails Highway parallels roughly the Sante Fe railroad across northern Arizona, and the Bankhead Highway parallels roughly the Southern Pacific railroad through southern Arizona. Because of the national character of these roads, large sums of money for highway building in Arizona have been contributed by the United States government. This has been largely with the idea of enabling tourists to cross this State in their travels from coast to coast. Now, however, since transportation has been developed within Arizona and the marvels of our scenic wonders have been made known to the world, there is coming to be more and more travel within the State which is not prompted by the idea of getting across. Arizona today, instead of being an obstruction in the path of travel, has become an object of travel. Thus we see that the words of the ancient philosopher have come

true: "The stone which the builders rejected has become the head of the corner."

The Highway Commission

Not because the Constitution provides it, but as an important legislative act, there has been created in Arizona, a Highway Commission of five members, who are given large powers to plan, construct, maintain, and regulate the highways of the State. They are empowered to work in connection with the United States government in building or improving such roads as are links in the national highways, for which the National Government is willing to share a part of the expense. This Highway Commission is also designed to give us a well-planned State system of roads crossing Arizona in all directions in such a manner as to facilitate its growth.

No one can estimate how much the future of Arizona depends upon the building of these good roads. Just as the building of the railroads across the uninhabited West led population and development to follow in their wake, so has the building of highways across vast stretches of desert in Arizona caused settlements to spring up in out-of-the-way places. New towns grow up along these highways as if by magic, and as these State highways become more numerous our "great open spaces" will disappear.

The Motor Vehicle Division

In this fast changing age of machine transportation many problems arise that were unknown in the day of the "Deacon's One Hoss Shay." We have now necessarily an extensive code of law pertaining to Motor Vehicle Ownership and Operation. Everybody travels today on "rubber toes" and at a rapid rate, so that the safe-guarding of life, as well as property, requires minute supervision by the government of all highway travel.



AIRPLANE VIEW OF APACHE TRAIL

Thus automobile drivers must be licensed, car ownership registered, traffic regulations made and published, and violation of traffic rules punished. All of this has become as important in the last ten years as those ancient personal and property rights which our Fathers so carefully enumerated in the early constitutions.

The Constitution places in the hands of the Corporation Commission the power to regulate common carriers. That power, of course, extends to regulating motor buses and auto transportation companies. Though it could not be foreseen in 1910, a large share of transportation in Arizona—passengers, express, and fast freight—is now carried by auto transport over our improved highways. All of this increasingly vast business, by a logical expansion of the constitutional provision, comes under the control of the Corporation Commission. Now that air transportation is developing, licensed air companies will naturally be regulated, as other common carriers are regulated in the State, by the Commission which the Constitution creates for that purpose.

This whole subject illustrates how the “basic rules of the game” must be made quite general, and how additional rules must be added as conditions change. Within the next ten years an entirely new set of rules may be needed.

CHAPTER XXI
FOR VOCABULARY BUILDING

highway department

Anglo-Americans

transcontinental

common carriers

prehistoric men

transportation

"Forty-Niners"

motor vehicle

empowered

commission

wilderness

subsidies

licensed

frontier

CHAPTER XXII

THIS CONSTITUTION MAY BE AMENDED

Provisions for amending the Constitution of Arizona are found in Article XXI. We shall try to simplify the ways of amending by stating them in briefer terms. First, it should be noted that there are two steps in the process of amending. An amendment needs to be proposed in the legal manner prescribed, after which it must be ratified. Both of these steps are definitely outlined in the Constitution.

There are two ways of amending the Constitution of this State. The first is begun with legislative action. An amendment may be proposed by a majority vote in both houses of the State Legislature. Any amendment thus proposed may start in either house. After it has been voted on and carried in both houses of the Legislature it must be submitted to the voters of the State at a regular or special election. If the majority of the voters favor it it becomes a part of the Constitution.

People Have Amending Power

The second plan of amendment requires the action of the people, first and last. First, it must be proposed by an Initiative Petition. This petition must be signed by fifteen per cent of the qualified voters of the State. That makes it possible for anyone of the electorate who feels strongly enough the need of a certain amendment to start the process in the following way: first, he writes out the amendment in exactly the form in which he would like to see it incorporated into the fundamental law. Then he, with the aid of like-minded persons, circulates the petition (blank forms of which may be

secured from the Secretary of State) and secures the signatures of as many voters as can be persuaded to sign.

Getting fifteen per cent of the voters of the State to sign the petition is quite a task, as it is usually necessary to explain to each one what the amendment is about. Some voters may be willing to sign a petition without giving it much thought. They feel probably that if the amendment is a good one it is desirable, and that if it is a bad one it will be voted down at the election. Sometimes those who are interested in getting such a petition signed and who have funds to spend for that purpose will hire persons to go from door to door to get signatures. When a sufficient number of signatures have been obtained the petition is sent to the Secretary of State, where a careful count is made to see that no person signed twice and to see if at least fifteen per cent of the qualified voters have signed.

If the petition for the amendment is correct and regular in the respects specified above and is handed to the Secretary of State the required amount of time before election, he will make provision for it on the ballot. It will then appear on the ballot by title only and not in the full wording of the amendment. On election day the voters indicate "yes" or "no" on the ballot with respect to the amendment. If a majority of those voting on the measure favor it, it is carried, and the Secretary of State records it as a part of the Constitution of Arizona.

Wise to Provide for Amendments

It is indeed proper to make arrangements for amending the Constitution. The fifty-two men who framed it were quite human and not possessed of all wisdom. They could not foresee future conditions and needs which would have to be taken care of. In a growing community some provision must be

made for change in the rules of the game under which we live.

As an illustration of this we say that the great Hebrew law-giver, Moses, handed to his people, away back in ancient times, the greatest code of laws which the human family possesses. "Thou shalt not kill" is one of these laws. It was a good law for a barbarous age, but the time came when it needed to be modified. Accordingly, another great Hebrew lawgiver said, "He that looketh upon his brother with hatred in his heart is a murderer." Thus we see that the earlier law has been enlarged and the later law is far more fitting to a Christian society.

Our National Experience

It will be remembered that before we got the present Constitution of the United States our first national constitution was called the Articles of Confederation. This instrument was supposed to be our national constitution from 1777 until 1789. The Articles of Confederation very unwisely did not provide adequate means of amendment—in fact, they were practically unamendable. Now an unamendable constitution is as harmful to a growing society as a steel shoe on a growing foot. It was finally necessary to overthrow the first Constitution and make a new one. In the present National Constitution there is ample arrangement for amendment, which is a very fortunate matter for the country, even though the Constitution of the United States is one of the wisest political laws ever made.

Constitution Difficult to Change

As a constitution is a basic law, it ought not to be too easily changed, because, as we have said before, it constitutes the "rules" of political society. To change these rules frequently would mean that few people would understand them.

To change them hastily would mean that they would probably not be wise. Let us use as an illustration the house in which you are now attending school.

Though your school building has been completed it may be desirable to change it. It may be a partition that is needed to divide one large room into two smaller ones. Possibly a door needs to be cut in a wall connecting two rooms. These are slight changes and may be readily made. If, however, the idea is to change the foundation of the structure, that is a more serious matter. It should not be undertaken unless very necessary, and if undertaken should be done carefully so as not to weaken the whole structure. The above illustration makes clear the difference between two kinds of law. Ordinary law passed by the Legislature may be, and is, easily changed. It is like putting in a partition or cutting a door. On the other hand, the Constitution is the foundation and is intended to be more permanent.

We have already found it necessary to change the Constitution of Arizona by inserting prohibition and woman suffrage amendments. We at one time thought to change the Legislature and have only one house instead of two. In years to come we might want to add something which we do not know of, or feel the need of, at present. In an earlier chapter we have praised the water law of Arizona, which is stated in Article XVII. We might want some time to change even that, as some lawyers claim that the law of Prior Appropriation is well fitted to frontier communities, but that another law is better for a well-settled society.

(Section 2 of this article is inserted merely to make the amending of the Constitution difficult so that the basic law may not be too easily changed.)

CHAPTER XXII
FOR VOCABULARY BUILDING

Articles of Confederation
unamendable constitution
initiative petition
qualified voters
regular election
special election
majority vote
incorporated
amendment
electorate
black list
ratified
frontier

CHAPTER XXIII

AS IT SEEMS TO THE AUTHOR

- In summing up the comments on the Constitution of Arizona a few personal observations may be made giving the author's point of view. The personnel, that is, the membership of the Constitutional Convention which framed the State Constitution, was of a high order, if time and circumstances are taken into consideration. The fifty-two men who framed the Constitution for the new State were a representative group, and a far abler body than might have been expected to assemble on this southwestern frontier in 1910.

There were to be found among the fifty-two delegates, several able and experienced attorneys who could bring their legal learning to bear upon the work of the convention. There were some literary men who could see to it that the resolutions were put in proper English, and there were in the convention hard-headed, practical business men who could insist that the scheme of government created be workable.

Most of these men, whether scholarly or practical, were familiar with the great game of American politics as it had been played in their lifetime. They understood quite well how the great game of social and economic life had been conducted and understood that changes were needed in the rules.

Constitutions Grow

We admire mechanical inventions and new ideas, but of political institutions we ask "will it work?" Practical and sensible men are skeptical about a new political idea and usually want to know how well it has worked. If anything new is introduced into the Constitution we feel safer about it if it has been offered, not as a new idea, but as a correction of an old idea. All of the worthwhile constitutions in this country

have grown up through a long period of development and embody that which is found best in the past.

Arizona's Constitution contains many new things. These new things were not introduced merely as someone's hobby, but because they changed bad ways of doing things in previous times. In territorial days the people of Arizona seriously felt that they did not have enough to say about their own government, and that explains why the new Constitution gave them so much scope in self government. During territorial days large corporations carrying on business in Arizona had more freedom under the law than most people thought they should have, and that explains why the new Constitution brought such corporations under strict control. Before statehood, taxation had not been fairly distributed and for that reason the Constitution makes new provisions concerning taxation. However, the Constitution of Arizona is about equally divided between old, commonly accepted ideas of government, and these new ideas which were thought to be necessary to improve the rules of the game.

Constitution Must Suit People

The above sub-head means more than that the Constitution must be acceptable to the people. It must suit the people who are to be governed under it in this way: it must be agreeable to the spirit and nature of the people. A Constitution can hardly be expected to suit the nature of a people unless it has grown up with those people. A number of South American countries, in making their Constitution, patterned after the Constitution of the United States, and yet most of them are not very well governed. Their people differ so much from our people that the borrowed Constitutions do not seem to suit their nature.

The American game of football is now played by rules

which have been developed to such an extent that the game is a contest between men of brains as well as men of strength. If football should be introduced into the heart of Africa, probably the present rules would not work at all, for those people in playing the game would depend mostly upon brute strength.

The people living in Arizona have come from almost every State in the Union. The ideas and ideals woven into our State Constitution are inspired by an experience as wide as the nation. We have introduced such changes and new provisions as our own territorial experience and the experience of other States have shown to be desirable.

Some of These New Provisions

Mindful of the experience of older States and its own territorial experience, Arizona in its Constitution restricts the granting of franchises and the creating of charters as special acts of legislation. Cities in Arizona do not need to go humbly to the State Legislature, seeking as a special favor, articles of incorporation or a new charter. Favoritism is eliminated by the provision of a general law in such matters.

Nor are we afraid, in Arizona, of too much public competition with private enterprise. The Constitution specifically reserves to the State and its subdivisions the right to engage in industrial pursuits. This means that the cities may own and operate their own electric light plants, gas plants, street railway systems, and the like. Perhaps it is true that public ownership and operation is less efficient than private operation, but the people of Arizona see compensating advantages in reserving the right to carry on certain public "business" so as to contribute to the general welfare rather than to the profit of stockholders.

It is a matter of pride to most citizens that Arizona has so

many progressive and modern provisions of popular government, such as woman suffrage, direct legislation, and the power to recall her officials by the ballot. She has already established that democracy which the great nations of the world have fought to establish everywhere. But democracy presupposes universal education, and unless the splendid school system of Arizona is made the foundation of her democratic institutions, our boasted democracy will be a failure. The ballot in Arizona, then, is a significant and powerful weapon, too much so to be trusted to ignorant hands. All of this is to say that a thorough knowledge of our institutions and the spirit of our laws must be obtained by every boy and girl in the schools of Arizona, if a citizenship capable of governing itself is to be developed.

The Future Outlook

Some of the comments made by newspapers and magazines at the time when the Constitution was being framed amuse us now, but, after all, we cannot be sure how a Constitution will work or how it will suit until it has been tried. During the twenty years since the Constitution was made, Arizona has grown and has prospered so that we are pleased to see that the gloomy predictions made by conservative thinkers have not come true. Our people are looking forward with buoyant hope to the future. The population of Arizona is growing at an amazing rate, and its wealth is increasing rapidly. The material prosperity of a people depends largely upon the nature of its political institutions and laws. The remarkable climate and natural wealth of Arizona and the attraction of modern progressive government, based upon an up-to-date Constitution, make a nation-wide appeal to all classes to come to the Golden West and help to build on the foundation already established.

CONSTITUTION FOR THE STATE OF ARIZONA

*Adopted by the Constitutional Convention held at
Phoenix, Arizona, from October 10 to
December 9, 1910*

PREAMBLE

We, the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution.

ARTICLE I

STATE BOUNDARIES

The boundaries of the State of Arizona shall be as follows, namely: Beginning at a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers, as fixed by the Gadsden Treaty between the United States and Mexico, being in latitude thirty-two degrees, twenty-nine minutes, forty-four and forty-five one-hundredths seconds north, and longitude one hundred and fourteen degrees, forty-eight minutes, forty-four and fifty-three one-hundredths seconds west of Greenwich; thence along and with the international boundary line between the United States and Mexico in a southeastern direction to Monument Number 127 on said boundary line, in latitude thirty-one degrees, twenty minutes north; thence east along and with said parallel of latitude, continuing on said boundary line to an intersection with the meridian of longitude one hundred nine degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being identical with the southwestern corner of New Mexico; thence north along and with said meridian of longitude and the west boundary of New Mexico to an intersection with the parallel of latitude thirty-seven degrees north, being the common corner of Colorado, Utah, Arizona and New Mexico; thence west along and with said parallel of latitude and the south boundary of Utah, to an intersection with the meridian of longitude one-hundred fourteen degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being on the east boundary line of the State of Nevada; thence south along and with said meridian of longitude and the east boundary of said State of Nevada, to the center of the Colorado River; thence down the mid-channel of said Colorado River in a southern direction along and with the east boundaries of Nevada, California and the Mexican Territory of Lower California, successively, to the place of beginning.

ARTICLE II

DECLARATION OF RIGHTS

SECTION 1. A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.

SEC. 2. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

SEC. 3. The Constitution of the United States is the supreme law of the land.

SEC. 4. No person shall be deprived of life, liberty, or property without due process of law.

SEC. 5. The right of petition, and of the people peaceably to assemble for the common good, shall never be abridged.

SEC. 6. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

SEC. 7. The mode of administering an oath, or affirmation, shall be such as shall be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

SEC. 8. No person shall be disturbed in his private affairs, or his home invaded without authority of law.

SEC. 9. No law granting irrevocably any privilege, franchise, or immunity shall be enacted.

SEC. 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

SEC. 11. Justice in all cases shall be administered openly, and without unnecessary delay.

SEC. 12. The liberty of conscience secured by the provisions of this Constitution shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned touching his religious belief in any court of justice to affect the weight of his testimony.

SEC. 13. No law shall be enacted granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations.

SEC. 14. The privileges of the writ of habeas corpus shall not be suspended by the authorities of the State.

SEC. 15. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

SEC. 16. No conviction shall work corruption of blood, or forfeiture of estate.

SEC. 17. Private property shall not be taken for private use except for private ways of necessity, and for drains, flumes, or ditches, on or across the lands of others for mining, agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation thereof be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury unless a jury be waived as in other civil cases in courts of records, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

SEC. 18. There shall be no imprisonment for debt, except in cases of fraud.

SEC. 19. Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with bribery or illegal rebating, shall not be excused from giving testimony or producing evidence, when legally called upon to do so, on the ground that it may tend to incriminate him under the laws of the State; but no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may so testify or produce evidence.

SEC. 20. The military shall be in strict subordination to the civil power.

SEC. 21. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 22. All persons charged with crime shall be bailable by sufficient sureties except for capital offenses when the proof is evident or the presumption great.

SEC. 23. The right of trial by jury shall remain inviolate, but provision may be made by law for a jury of a number of less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of a jury in civil cases where the consent of the parties interested is given thereto.

SEC. 24. In criminal prosecutions, the accused shall have the right to appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify on his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county

in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

SEC. 25. No bill of attainder, ex post facto law, or law impairing the obligation of a contract, shall ever be enacted.

SEC. 26. The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.

SEC. 27. No standing army shall be kept up by this State in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

SEC. 28. Treason against the State shall consist only in levying war against the State, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

SEC. 29. No hereditary emoluments, privileges, or powers shall be granted or conferred, and no law shall be enacted permitting any perpetuity or entailment in this State.

SEC. 30. No person shall be prosecuted criminally in any court of record for felony or misdemeanor, otherwise than by information or indictment; no person shall be prosecuted for felony by information without having had a preliminary examination before a magistrate or having waived such preliminary examination.

SEC. 31. No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person.

SEC. 32. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

SEC. 33. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

SEC. 34. The State of Arizona and each municipal corporation within the State of Arizona shall have the right to engage in industrial pursuits.

(Amendment submitted to voters and adopted at the general election, November 5th, 1912).

ARTICLE III

DISTRIBUTION OF POWERS

The powers of the government of the State of Arizona shall be divided into three separate departments, the Legislative, the Executive, and the Judicial; and, except as provided in this Constitution, such departments shall be separate and distinct, and no one of such departments shall exercise the powers properly belonging to either of the others.

ARTICLE IV

LEGISLATIVE DEPARTMENT

1. INITIATIVE AND REFERENDUM

SECTION 1. (1) The legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives, but the people reserve the power to propose laws and amendments to the Constitution and to enact or reject such laws and amendments at the polls, independently of the Legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any Act, or item, section, or part of any Act, of the Legislature.

(2) The first of these reserved powers is the Initiative. Under this power ten per centum of the qualified electors shall have the right to propose any measure, and fifteen per centum shall have the right to propose any amendment to the Constitution.

(3) The second of these reserved powers is the Referendum. Under this power the Legislature, or five per centum of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the Legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the State Government and State Institutions; but to allow opportunity for Referendum Petitions, no Act passed by the Legislature shall be operative for ninety days after the close of the session of the Legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the Departments of State and of State Institutions; Provided; that no such emergency measures shall be considered passed by the Legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the Legislature, taken by roll call of ayes and nays, and also approved by the Governor; and should such measure be vetoed by the Governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each House of the Legislature, taken by roll call of ayes and nays.

(4) All petitions submitted under the power of the Initiative shall be known as Initiative Petitions, and shall be filed with the Secretary of State not less than four months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the Referendum shall be known as Referendum Petitions, and shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which shall have passed the measure to which the Referendum is applied. The filing of a Referendum Petition against any item, section, or part of

any measure shall not prevent the remainder of such measure from becoming operative.

(5) Any measure or amendment to the Constitution proposed under the Initiative, and any measure to which the Referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the Governor, and not otherwise.

*† (6) The veto power of the Governor, or the power of the Legislature, to repeal or amend, shall not extend to initiative or referendum measures approved by a majority vote of the qualified electors.

(7) The whole number of votes cast for all candidates for Governor at the general election last preceding the filing of any Initiative or Referendum petition on a State or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) The powers of the Initiative and the Referendum are hereby further reserved to the qualified electors of every incorporated city, town and county as to all local, city, town, or county matters on which incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the Initiative fifteen per centum of the qualified electors may propose measures on such local, city, town or county matters, and ten per centum of the electors may propose the Referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Every Initiative or Referendum petition shall be addressed to the Secretary of State in the case of petitions for or on State measures and to the clerk of the Board of Supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the State (and in the case of petitions for or on city, town, or county, measures, of the city, town or county affected), his postoffice address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet

*NOTE: Original provision; prior to amendment:

"The veto power of the Governor shall not extend to Initiative or Referendum measures approved by a majority of the qualified electors."

†NOTE: This amendment was submitted to the people by INITIATIVE PETITION, filed in the office of the Secretary of State, July 2nd, 1914, and approved by a majority of the votes cast thereon at the general election held on the 3rd day of November, 1914. There were 16,567 votes cast for said amendment and 16,484 against and under the provisions of law by a proclamation of the Governor, dated December 14, 1914, took effect on said date.

was signed in the presence of the affiant and that in the belief of the affiant each signer was a qualified elector of the State, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) When any Initiative or Referendum petition or any measure referred to the people by the Legislature shall be filed, in accordance with this section, with the Secretary of State, he shall cause to be printed on the official ballot at the next regular general election the title and number of said measure, together with the words "Yes" and "No" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) The text of all measures to be submitted shall be published as proposed amendments to the Constitution are published, and in submitting such measures and proposed amendments the Secretary of State and all other officers shall be guided by the general law until legislation shall be especially provided therefor.

(12) If two or more conflicting measures or amendments to the Constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

(13) It shall be the duty of the Secretary of State, in the presence of the Governor and the Chief Justice of the Supreme Court, to canvass the votes for and against each of such measures or proposed amendment to the Constitution within thirty days after the election, and upon the completion of the canvass the Governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

(14) This section shall not be construed to deprive the Legislature of the right to enact any measure.

(15) This section of the Constitution shall be, in all respects, self-executing.

SEC. 2. The Legislature shall provide a penalty for any wilfull violation of any of the provisions of the preceding section.

2. THE LEGISLATURE

SECTION 1. Until otherwise provided by law the Senate shall consist of nineteen members, apportioned among (the) several counties, as follows: Apache county, one senator; Cochise county, two senators; Coconino county, one senator; Gila county, two senators; Graham county, one senator; Greenlee county, one senator; Maricopa county, two senators; Mohave county, one senator; Navajo county, one senator; Pima county, two senators; Pinal county, one senator; Santa Cruz county, one senator; Yavapai county, two senators; Yuma county, one senator.

There shall be elected from each county, at large, the number of senators to which such county is entitled, and there shall be elected from each county, in the manner hereinafter directed, one representative for

each fifteen hundred votes or major fraction thereof cast in such county for the office of Governor at the last preceding general election to be determined from the official canvass of all votes cast for all candidates for such office of Governor, and provided that no county shall have a small(er) number of representatives than that to which it is now entitled.

"Within twelve months from the time this amendment is declared adopted, the Board of Supervisors of each county entitled to more than one representative shall divide such county into as many legislative districts as there may be representatives to be elected from such county and each of such districts shall be entitled to elect one representative. Such division shall be so made that the legislative districts within a county shall contain, as nearly as may be, the same voting population. Such districts shall be compact in form, and no such district shall include non-contiguous portions of any county. Before establishing such districts, the Board of Supervisors shall give at least thirty days' notice of their intention so to do, by publishing the same in two successive issues of some newspaper of general circulation published in such county. The order of the Board of Supervisors establishing such districts shall clearly and explicitly define the boundaries thereof, and shall be entered at large on the official records of such board.

"Any such county shall be redistricted by such Board of Supervisors not less than six months prior to each regular election for representatives when by reason of the number of votes therein cast for the office of Governor at the last preceding general election, it shall be entitled to a greater number of representatives. In counties entitled to but one representative, such representative shall be elected from the county at large."

Filed July 3, 1918.

NOTE: The foregoing measure was submitted to the people by initiative petition, filed in the office of the Secretary of State, July 3, 1918, and approved by a majority of the votes cast thereon at the general election, held on the 5th day of November, 1918. There were 17,564 votes cast for said amendment and 10,688 against, and under the provisions of law by a proclamation of the Governor dated December 5, 1918, took effect on said date.

SEC. 2. No person shall be a member of the Legislature unless he shall be a citizen of the United States at the time of his election, nor unless he shall be at least twenty-five years of age, and shall have been a resident of Arizona at least three years and of the county from which he is elected at least one year before his election.

SEC. 3. The sessions of the Legislature shall be held biennially at the Capitol of the State, and except as to the first session thereof, shall commence on the second Monday of January next after the election of members of the Legislature. The first session shall convene not less than thirty nor more than sixty days after the admission of the State into the Union. The Governor may call a special session, whenever in his judgment it is advisable. In calling such special session, the Governor shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call.

SEC. 4. No person holding any public office of profit or trust under the authority of the United States, or of this State, shall be a member of the Legislature; Provided, that appointments in the State militia and the office of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not work disqualification for membership within the meaning of this section.

SEC. 5. No member of the Legislature, during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during said term.

SEC. 6. Members of the Legislature shall be privileged from arrest in all cases except treason, felony, and breach of the peace, and they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement of each session.

SEC. 7. No member of the Legislature shall be liable in any civil or criminal prosecution for words spoken in debate.

SEC. 8. Each House, when assembled, shall choose its own officers, judge of the election and qualification of its own members, and determine its own rules of procedure.

SEC. 9. The majority of the members of each House shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may prescribe. Neither House shall adjourn for more than three days, nor to any place other than that in which it may be sitting, without the consent of the other.

SEC. 10. Each House shall keep a journal of its proceedings and at the request of two members the ayes and nays on roll call on any question shall be entered.

SEC. 11. Each House may punish its members for disorderly behaviour, and may, with the concurrence of two-thirds of its members, expel any member.

SEC. 12. Every bill shall be read by sections on three different days unless in case of emergency, two-thirds of either House deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the final passage of any bill or joint resolution shall be taken by ayes and nays on roll call. Every measure when finally passed shall be presented to the Governor for his approval or disapproval.

SEC. 13. Every Act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an Act which shall not be expressed in the title, such Act shall be void only as to so much thereof as shall not be embraced in the title.

SEC. 14. No Act or section thereof shall be revised or amended by mere reference to the title of such Act, but the Act or section as amended shall be set forth and published at full length.

SEC. 15. A majority of all members elected to each House shall be

necessary to pass any bill, and all bills so passed shall be signed by the presiding officer of each House in open session.

SEC. 16. Any member of the Legislature shall have the right to protest and have the reasons of his protest entered on the journal.

SEC. 17. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

SEC. 18. The Legislature shall direct by law in what manner and in what courts suits may be brought against the State.

SEC. 19. No local or special laws shall be enacted in any of the following cases, that is to say:

1. Granting divorces.
2. Locating or changing county seats.
3. Changing rules of evidence.
4. Changing the law of descent or succession.
5. Regulating the practice of courts of justice.
6. Limitation of civil actions or giving effect to informal or invalid deeds.
7. Punishment of crimes and misdemeanors.
8. Laying out, opening, altering, or vacating roads, plats, streets, alleys and public squares.
9. Assessment and collection of taxes.
10. Regulating the rate of interest on money.
11. The conduct of election.
12. Affecting the estates of deceased persons or of minors.
13. Granting to any corporation, association, or individual, any special or exclusive privileges, immunities, or franchises.
14. Remitting fines, penalties, and forfeitures.
15. Changing names of persons or places.
16. Regulating the jurisdiction and duties of justices of the peace.
17. Incorporation of cities, towns, or villages, or amending their charters.
18. Relinquishing any indebtedness, liability, or obligation to this State.
19. Summoning and empanelling of juries.
20. When a general law can be made applicable.

SEC. 20. The general appropriation bill shall embrace nothing but appropriations for the different departments of the State, for State institutions, for public schools, and for interest on the public debt. All other appropriations shall be made by separate bill, each embracing but one subject.

SEC. 21. The members of the first Legislature shall hold office until the first Monday in January, 1913. The terms of office of the members of succeeding Legislatures shall be two years.

SEC. 22. Until otherwise provided by law, members of the Legislature shall receive seven dollars per day; Provided, however, that they shall

receive such salary for a period not to exceed sixty days in any one session. They shall also receive mileage one way, by the shortest practicable route at the rate of twenty cents per mile.

SEC. 23. It shall not be lawful for any person holding public office in this State to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as such transportation may be purchased by the general public; Provided, that this shall not apply to members of the National Guard of Arizona traveling under orders. The Legislature shall enact laws to enforce this provision.

SEC. 24. The enacting clause of every bill enacted by the Legislature shall be as follows: "Be it enacted by the Legislature of the State of Arizona," or when the Initiative is used: "Be it enacted by the People of the State of Arizona."

ARTICLE V

EXECUTIVE DEPARTMENT

SECTION 1. The Executive Department of the State shall consist of Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Instruction, each of whom shall hold his office for two years beginning on the first Monday of January next after his election, except that the terms of office of those elected at the election provided for in the Enabling Act approved June 20, 1910, shall begin when the State shall be admitted into the Union, and shall end on the first Monday in January, A. D., 1913, or when their successors are elected and qualified.

The persons, respectively, having the highest number of votes cast for the office voted for shall be elected; but if two or more persons shall have an equal and the highest number of votes for any one of said offices, the two Houses of the Legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

The officers of the Executive Department during their terms of office shall reside at the seat of government, where they shall keep their offices and the public records, books and papers. They shall perform such duties as are prescribed by this Constitution and as may be provided by law.

SEC. 2. No person shall be eligible to any of the offices mentioned in Section 1 of this article except a male person of the age of not less than twenty-five years, who shall have been for ten years next preceding his election a citizen of the United States, and for five years next preceding his election a citizen of Arizona.

SEC. 3. The Governor shall be commander-in-chief of the military forces of the State, except when such forces shall be called into the service of the United States.

SEC. 4. The Governor shall transact all executive business with the officers of the Government, civil and military, and may require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices. He shall

take care that the laws be faithfully executed. He may convene the Legislature in extraordinary session. He shall communicate, by message, to the Legislature at every session the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 5. The Governor shall have power to grant reprieves, commutation, and pardons, after convictions, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as may be provided by law.

SEC. 6. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Secretary of State until the disability ceases, or during the remainder of the term.

SEC. 7. Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If he approve, he shall sign it, and it shall become a law as provided in this Constitution. But if he disapprove, he shall return it, with his objections, to the House in which it originated, which shall enter the objections at large on the journal. If after reconsideration it again passes both Houses by an aye and nay vote on roll call of two-thirds of the members elected to each House, it shall become a law as provided in this Constitution notwithstanding the Governor's objections. This Section shall not apply to emergency measures as referred to in Section 1 of the Article on the Legislative Department.

If any bill be not returned within five days after it shall have been presented to the Governor (Sunday excepted) such bill shall become a law in like manner as if he had signed it, unless the Legislature by its final adjournment prevents its return, in which case it shall be filed with his objections in the office of the Secretary of State within ten days after such adjournment (Sundays excepted) or become a law as provided in this Constitution. After the final action by the Governor, or following the adoption of a bill notwithstanding his objection, it shall be filed with the Secretary of State.

If any bill presented to the Governor contains several items of appropriations of money, he may object to one or more of such items while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items which he declines to approve, together with his reasons therefor, and such item or items shall not take effect unless passed over the Governor's objections as in this section provided.

The veto power of the Governor shall not extend to any bill passed by the Legislature and referred to the people for adoption or rejection.

SEC. 8. When any office, shall, from any cause, become vacant, and no mode shall be provided by the Constitution or by law, for filling such vacancy, the Governor shall have the power to fill such vacancy by appointment.

SEC. 9. The powers and duties of Secretary of State, State Treasurer, State Auditor, Attorney-General, and superintendent of Public Instruction shall be as prescribed by law.

SEC. 10. No person shall be eligible to succeed himself to the office of State Treasurer for the succeeding two years after the expiration of the term for which he shall have been elected.

SEC. 11. The returns of the election for all State officers shall be canvassed, and certificates of election issued by the Secretary of State, in such manner as may be provided by law.

SEC. 12. All commissions shall issue in the name of the State, and shall be signed by the Governor, sealed with the seal of the State, and attested by the Secretary of State.

SEC. 13. Until otherwise provided by law the salaries of the State officers shall be as follows:

Governor, four thousand dollars per annum.

Secretary of State, three thousand five hundred dollars per annum.

State Auditor, three thousand dollars per annum.

State Treasurer, three thousand dollars per annum.

Attorney-General, twenty-five hundred dollars per annum.

Superintendent of Public Instruction, twenty-five hundred dollars per annum.

ARTICLE VI

JUDICIAL DEPARTMENT

SECTION 1. The judicial power of the State shall be vested in a supreme court, superior courts, justices of the peace, and such courts inferior to the superior courts as may be provided by law.

SEC. 2. The Supreme Court shall consist of three judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business, except on non-judicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decisions shall be stated. The number of judges may be increased or diminished from time to time by law; Provided, that said court shall at all times be constituted of at least three judges.

SEC. 3. Judges of the Supreme Court shall be elected at the general election to be held under the provisions of the Enabling Act approved June 20, 1910. Their term of office shall be co-terminus with that of the Governor of the State elected at the same time, and the one receiving the highest number of votes shall be the chief justice. At the first general State election thereafter, held under this Constitution, at which a Governor is voted for, three judges of the Supreme Court shall be elected, and the judges elected thereat shall be classified by lot, so that one shall hold office for a term of six years, and one for a term of four years, and one for a term of two years, from and after the first Monday in January next succeeding said election. The lot shall be drawn by the

judges-elect, who shall assemble for that purpose at the State Capitol, and shall cause the results to be certified to the Secretary of State, who shall file the same in his office.

The judge having the shortest time to serve, and not holding his office by appointment or by election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the Supreme Court. In case of absence of the chief justice, the judge having in like manner the shortest time to serve shall preside.

After the first State election one judge shall be elected every two years at the general election, and the term of the judge elected shall be six years from and after the first Monday in January next succeeding his election, and judges so elected shall hold office until their successors are elected and qualify.

If a vacancy occur in the office of judge of the Supreme Court, the Governor shall appoint a person to fill such vacancy until the election and qualification of a judge to hold said office, which election shall take place at the next succeeding general election, and the person so elected shall hold office for the remainder of the unexpired term.

Whenever for any reason any judge shall be disqualified from acting in any cause brought before said court, the remaining judges of said court shall call one of the judges of the Superior Court to sit with them on the hearing of said cause.

The sessions of the Supreme Court shall be held at the seat of government.

The judges of the Supreme Court shall be elected at the general State election by the qualified electors of the State at large. The names of all candidates for the office of judge of the Supreme Court shall be placed on the regular ballot in alphabetical order without partisan or other designation except the title of the office.

SEC. 4. The Supreme Court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as to all State officers. It shall have appellate jurisdiction in all actions and proceedings, but its appellate jurisdiction shall not extend to civil actions at law for recovery of money or personal property where the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars, unless the action involves the validity of a tax, impost, assessment, toll, municipal fine, or statute.

The Supreme Court shall also have power to issue writs of mandamus, review prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction.

The Supreme Court shall have original and exclusive jurisdiction to hear and determine all causes between counties concerning disputed boundaries and surveys thereof, or concerning claims of one county against another. Such trials shall be to the court without a jury.

Each judge of the Supreme Court shall have power to issue writs of habeas corpus to any part of the State upon petition by, or on behalf

of, any person held in actual custody, and may make such writs returnable before himself, or before the Supreme Court, or before any superior court of the State or any judge thereof.

SEC. 5. There shall be in each of the organized counties of the State a superior court, for which at least one judge shall be elected by the qualified electors of the county at the general election; Provided, that for each county having a census enumeration greater than thirty thousand inhabitants, one judge of the superior court for every additional thirty thousand inhabitants, or majority fraction thereof, may be provided by law. In any county where there shall be more than one judge of the superior court, there may be as many sessions of the superior court at the same time as there are judges thereof, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of the court as shall best promote and secure the convenient and expeditious transaction thereof.

The judgments, decrees, orders, and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court had presided at such session.

The first judges of the superior court shall be elected at the general election to be held under the provisions of the Enabling Act approved June 20, 1910. Their term of office shall be co-terminus with that of the Governor of the State elected at the same time. Thereafter the term of office of all judges of the superior court shall be four years, from and after the first Monday in January next succeeding their election and until their successors are elected and qualify.

All judges of the superior court shall be elected at the general State election by the qualified electors of their respective counties. The names of all candidates for the office of judge of the superior court shall be placed on the regular ballot in alphabetical order, without any partisan or other designation except the title of the office. If a vacancy occur in the office of judge of the superior court, the Governor shall appoint a person to fill the vacancy until the election and qualification of a judge to hold said office, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

SEC. 6. The superior court shall have original jurisdiction in all cases of equity and in all cases at law which involve the title to, or the possession of, real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to two hundred dollars exclusive of interest and costs and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in solvency; of actions to prevent or abate nuisance; of all matters of probate; of divorce and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for.

The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. Said court shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. The process of said court shall extend to all parts of the State.

The superior court shall have exclusive original jurisdiction in all proceedings and matters affecting dependents, neglected, incorrigible or delinquent children, or children accused of crime, under the age of eighteen years. The judges of said courts must hold examinations in chambers of all such children concerning whom proceedings are brought, in advance of any criminal prosecution of such children, and shall have the power, in their discretion, to suspend criminal prosecution for any offenses that may have been committed by such children. The power of said judges to control such children shall be as prescribed by law.

The superior court shall at all times, except on non-judicial days, be open for the determination of non-jury civil causes and for the transaction of business. For the determination of civil causes and matters in which a jury demand has been entered, and for the trial of criminal causes, a trial jury shall be drawn and summoned from the body of the county at least three times a year.

Superior courts and their judges shall have the power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus on petition by, or on behalf of, any person in actual custody in their respective counties. Injunctions, attachments, and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days. Grand juries shall be drawn and summoned only by order of the superior court.

SEC. 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and in case of the disqualification or the inability of the judge thereof to serve, and upon the request of the Governor, shall do so.

SEC. 8. Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office; Provided, that in case of extreme necessity, the Governor may extend the leave of absence such time as the necessity thereof shall exist.

SEC. 9. The number of justices of the peace to be elected in incorporated cities and towns, and in precincts, and the powers, duties, and jurisdiction of justices of the peace, shall be provided by law; Provided, that such jurisdiction granted shall not trench upon the jurisdiction of any court of record, except that said justices shall have concurrent jurisdiction with the superior court in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damage claimed does not exceed two hundred dollars; and Provided, that justices of the peace may be made

police justices of incorporated cities and towns. Prosecution may be instituted in court other than courts of record upon sworn complaint.

SEC. 10. The Supreme Court and superior courts shall be courts of record. Other courts of record may be established by law, but courts of justices of the peace shall not be courts of record.

The salaries of the judges of the Supreme Court shall be paid by the State. One-half of the salary of each of the judges of the superior court shall be paid by the State, and the other one-half by the county for which he is elected. Until otherwise provided by law, each of the judges of the Supreme Court shall receive an annual salary of five thousand dollars. Until otherwise provided by law, the judges of the superior courts in and for the counties of Maricopa, Pima, Yavapai, Gila, and Cochise shall each receive four thousand dollars per annum; the judge of the superior court in and for the county of Greenlee shall receive three thousand five hundred dollars per annum; and the judges of the superior courts in and for the counties of Coconino, Apache, Navajo, Santa Cruz, Yuma, Pinal, Graham, and Mohave shall each receive three thousand dollars per annum.

SEC. 11. Judges of the Supreme Court and judges of the superior courts shall not be eligible to any office or public employment other than a judicial office or employment, during the term for which they shall have been elected.

SEC. 12. Judges shall not charge juries with respect to matters of facts nor comment thereon, but shall declare the law.

No judge of a court of record shall practice law in any court in this State during his continuance in office.

SEC. 13. No person shall be eligible for the office of judge of the Supreme Court, unless he shall be learned in the law, at least thirty years of age, and shall have been a judge of, or admitted to practice before, the highest court of Arizona for at least five years, and shall have been a resident of Arizona for five years next preceding his election.

No person shall be eligible for the office of judge of the superior court, unless he shall be learned in the law, at least twenty-five years of age, and shall have been admitted to practice before the highest court of Arizona for at least two years and shall have been a resident of Arizona for two years next preceding his election.

SEC. 14. The judges of the Supreme Court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as may be prescribed by law; and the Supreme Court shall have the power to fix said salary until such salary shall be determined by law.

SEC. 15. Every case submitted to the judge of a superior court for his decision shall be decided within sixty days from the submission thereof; Provided, that if within said period of sixty days, a rehearing shall have been ordered, the period within which he must decide shall commence at the time the case is submitted on such rehearing.

SEC. 16. Provisions for the speedy publication of the opinions of the supreme Court shall be made by law, and all opinions shall be free for publication by any person.

SEC. 17. The judges of the Supreme Court shall appoint a clerk of that court, who shall be removable at their pleasure and shall receive such compensation, by salary only, as may be provided by law; and the Supreme Court shall have power to fix said salary until such salary shall be determined by law.

SEC. 18. There shall be elected in each county, by the qualified electors thereof, at the time of the election of judges of the superior court thereof, a clerk of the superior court, for a term of four years, who shall have such powers and perform such duties and receive such compensation, by salary only, as shall be provided by law. Until such salary shall be fixed by law the Board of Supervisors shall fix such salary. The term of the first clerk elected shall be co-terminus with that of the judge of said county.

SEC. 19. The judges of superior courts may appoint such court commissioners in their respective counties as may be deemed necessary, who shall have such powers and perform such duties and receive such compensation as may be provided by law.

SEC. 20. The style of all process shall be "The State of Arizona," and all prosecutions shall be conducted in the name of the State of Arizona and by its authority.

SEC. 21. Every judge of the Supreme Court and every judge of the superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Arizona, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State.

SEC. 22. The pleadings and proceedings in criminal causes in the courts shall be as provided by law. No cause shall be reversed for technical error in pleadings or proceedings when upon the whole case it shall appear that substantial justice has been done.

SEC. 23. All laws relating to the authority, jurisdiction, practice, and procedure of district and probate courts under laws heretofore enacted by the Legislative Assembly of the Territory of Arizona and in force at the time of the admission of the State into the Union, and not inconsistent with this Constitution, shall, so far as applicable, apply to and govern superior courts, until altered or repealed. Until otherwise provided, superior courts have the same appellate jurisdiction in cases arising in courts of justices of the peace as district courts now have under said laws.

SEC. 24. No change made by the Legislature in the number of judges shall work the removal of any judge from office; and no judge's salary shall be reduced during the term of office for which he was elected.

ARTICLE VII

SUFFRAGE AND ELECTIONS

SECTION 1. All elections by the people shall be by ballot, or by such other method as may be prescribed by law; Provided, that secrecy in voting shall be preserved.

SEC. 2. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of twenty-one years or over, and shall have resided in the State one year immediately preceding such election. The word "citizen" shall include persons of the male and female sex.

The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the State or any political division or municipality thereof, on account of sex, and the right to register, to vote and to hold office under any law now in effect, or which may hereafter be enacted, is hereby extended to, and conferred upon males and females alike.

No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony, be qualified to vote at any election unless restored to civil rights.

(Amendment submitted to voters and adopted at the general election, November 5, 1912).

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or, while a student at any institution of learning, or while kept at any almshouse or other asylum at public expense, or while confined in any public jail or prison.

SEC. 4. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at any election, and in going thereto and returning therefrom.

SEC. 5. No elector shall be obliged to perform military duty on the day of an election, except in time of war or public danger.

SEC. 6. No soldier, seaman, or marine, in the army or navy of the United States shall be deemed a resident of this State in consequence of his being stationed at any military or naval place within this State.

SEC. 7. In all elections held, by the people, in this State, the person or persons, receiving the highest number of legal votes shall be declared elected.

SEC. 8. Qualifications for voters at school elections shall be as are now, or as may hereafter be, provided by law.

SEC. 9. For the purpose of obtaining an advisory vote of the people, the Legislature shall provide for placing the names of candidates for the United States Senator on the official ballot at the general election next preceding the election of a United States Senator

SEC. 10. The Legislature shall enact a direct primary election law, which provides for the nomination of candidates for all elective, State, county, and city offices, including candidates for United States Senator and for Representative in Congress.

SEC. 11. There shall be a general election of Representatives in Congress, and of State, county, and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year after the year in which Arizona is admitted to Statehood and biennially thereafter.

SEC. 12. There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise.

SEC. 13. Questions upon bond issues or special assessments shall be submitted to the vote of property tax-payers, who shall also in all respects be qualified electors of the State, and of the political subdivision thereof affected by such question.

SEC. 14. No fee shall ever be required in order to have the name of any candidate placed on the official ballot for any election or primary.

SEC. 15. Every person elected or appointed to any office of trust or profit under the authority of the State, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which said person shall be elected or appointed.

(Amendment submitted to voters and adopted at the general election, November 5, 1912).

SEC. 16. The Legislature, at its first session, shall enact a law providing for general publicity, before and after election, of all campaign contributions to, and expenditures of campaign committees and candidates for public office.

ARTICLE VIII

REMOVAL FROM OFFICE

1. RECALL OF PUBLIC OFFICERS

SECTION 1. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal twenty-five per centum of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer, may by petition, which shall be known as a Recall Petition, demand his recall.

(The above section is in the original form as adopted by the people at the election held for the ratification of the Constitution. The resolution of Congress, August 21, 1911, inserted the words "except members of the judiciary." The amendment restored the section to its original form as adopted by the Constitutional Convention and approved by the people).

SEC. 2. Every Recall Petition must contain a general statement in not more than two hundred words, of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such Recall Petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet, that the signatures thereon are genuine.

SEC. 3. If said officer shall offer his resignation it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a Recall Petition is filed, a special election shall be ordered to be held, not less than twenty, nor more than thirty days after such order, to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons as set forth in the petition for demanding his recall, and in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidates who shall receive the highest number of votes, shall be declared elected for the remainder of the term. Unless the incumbent receive the highest number of votes, he shall be deemed to be removed from office, upon qualification of his successor. In the event that his successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

SEC. 5. No Recall Petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the Legislature at any time after five days from the beginning of the first session after his election. After one Recall Petition and election, no further Recall Petition shall be filed against the same officer during the term for which he was elected, unless petitioners signing such petition shall first pay into the public treasury which has paid such election expenses, all expenses of the preceding election.

SEC. 6. The general election laws shall apply to recall elections in so far as is applicable. Laws necessary to facilitate the operation of the provisions of this article shall be enacted, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer.

2. IMPEACHMENT

SECTION 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall

be necessary to an impeachment. All impeachments shall be tried by the Senate, and, when sitting for that purpose, the Senators, shall be upon oath or affirmation to do justice according to law and evidence, and shall be presided over by the Chief Justice of the Supreme Court. Should the Chief Justice be on trial, or otherwise disqualified, the Senate shall elect a judge of the Supreme Court to preside.

SEC. 2. No person shall be convicted without a concurrence of two-thirds of the Senators elected. The Governor and other State and judicial officers, except justices of courts not of record, shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to trial and punishment according to law.

ARTICLE IX

PUBLIC DEBT, REVENUE, AND TAXATION

SECTION 1. The power of taxation shall never be surrendered, suspended, or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only.

*SEC. 2. That there shall be exempt from taxation all Federal, State, county and municipal property. Property of educational, charitable and religious associations or institutions not used or held for profit may be exempt from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall be further exempt from taxation the property of widows, honorably discharged soldiers, sailors, United States marines, members of revenue marine service, and army nurses, residents of this State, not exceeding the amount of two thousand dollars, where the total assessment of such widow and such other persons named herein does not exceed five thousand dollars; provided, that no such exemption shall be made for such persons other than widows unless they shall have served at least sixty days in the military or naval services of the United States during time of War, and shall have been residents of this State prior to January 1, 1927. All property in the State not exempt under the laws of the United States or under this constitution, or exempt by law under the provisions of this section shall be subject to taxation to be ascertained as provided by law. This section shall be self-executing.

SEC. 3. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the necessary ordinary expenses of the State for each fiscal year. And for the purpose of pay-

*NOTE: Approved November 6, 1928. (See Appendix for original Section.)

ing the State debt, if there be any, the Legislature shall provide for levying an annual tax sufficient to pay the annual interest and the principal of such debt within twenty-five years from the final passage of the law creating the debt.

No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the tax, to which object only it shall be applied.

All taxes levied and collected for State purposes shall be paid into the State Treasury in money only.

SEC. 4. The fiscal year shall commence on the first day of July in each year. An accurate statement of the receipts and expenditures of the public money shall be published annually, in such manner as shall be provided by law. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

SEC. 5. The State may contract debts to supply the casual deficits or failure in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of three hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained or to repay the debts so contracted, and to no other purpose.

In addition to the above limited power to contract debts the State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan shall have been authorized or to the payment of the debt thereby created. No money shall be paid out of the State treasury, except in the manner provided by law.

SEC. 6. Incorporated cities, towns, and villages may be vested by law with power to make local improvements by special assessments, or by special taxation of property benefitted. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes.

SEC. 7. Neither the State, nor any county, city, town, municipality, or other subdivision of the State shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to, or a shareholder in, any company or corporation or become a joint owner with any person, company, or corporation, except as to such ownership as may accrue to the State by operation or provision of law.

SEC. 8. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property tax-payers, who must also in all

respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for State and county purposes, previous to incurring such indebtedness; except, that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; "Provided, that under no circumstances shall any county or school district become indebted to an amount exceeding ten per centum of such taxable property, as shown by the last assessment roll thereof"; and provided, further, "That any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding fifteen per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light or sewers are or shall be owned and controlled by the municipality."

(Amendment submitted to voters and adopted at the general election, November 5, 1912).

SEC. 9. Every law which imposes, continues, or revives a tax shall distinctly state the tax and the objects for which it shall be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

SEC. 10. No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public service corporation.

SEC. 11. The manner, method and mode of assessing, equalizing and levying taxes in the State of Arizona shall be such as may be prescribed by law.

(Amendment submitted to voters and adopted at the general election, November 5, 1912).

SEC. 12. The law-making power shall have authority to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy, and succession taxes also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes, stamp, registration, production, or other specific taxes.

ARTICLE X

STATE AND SCHOOL LANDS

SECTION 1. All lands expressly transferred and confirmed to the State by the provisions of the Enabling Act approved June 20, 1910, including all lands granted to the State and all lands heretofore granted to the Territory of Arizona, and all lands otherwise acquired by the State, shall be by the State accepted and held in trust to be disposed of in whole or in part, only in manner as in the said Enabling Act and in this Constitution provided, and for the several objects specified in the respective granting and confirmatory provisions. The natural products and money

proceeds of any of said lands shall be subject to the same trusts as the lands producing the same.

SEC. 2. Disposition of any of said lands, or of any money or thing of value directly or indirectly derived therefrom, for any object other than that for which such particular lands (or the lands from which such money or thing of value shall have been derived) were granted or confirmed, or in any manner contrary to the provisions of the said Enabling Act, shall be deemed a breach of trust.

SEC. 3. No mortgage or other incumbrance of the said lands, or any part thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever. Said lands shall not be sold or leased, in whole or in part except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time, and place of the transaction to be had, with a full description of the lands to be offered, and be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the State Capital and in that newspaper of like circulation which shall then be regularly published nearest to the location of such lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice by publication thus provided for sales and leases of the lands themselves; Provided, that nothing herein contained shall prevent the leasing of said lands referred to in this Article, for a term of five years or less, without said advertisement therein required.

SEC. 4. All lands, lease-holds, timber, and other products of land, before being offered, shall be appraised at their true value, and no sale or other disposal thereof shall be made for a consideration less than the value so ascertained, nor in any case less than the minimum price hereinafter fixed, nor upon credit unless accompanied by ample security, and the legal title shall not be deemed to have passed until the consideration shall have been paid.

SEC. 5. No lands shall be sold for less than three dollars per acre and no lands which are or shall be susceptible of irrigation under any projects now or hereafter completed or adopted by the United States under legislation for the reclamation of lands, or under any other project for the reclamation of lands, shall be sold at less than twenty-five dollars per acre; Provided, that the State, at the request of the Secretary of the Interior, shall from time to time relinquish such of its lands to the United States as at any time are needed for irrigation works in connection with any such Government project, and other lands in lieu thereof shall be selected from lands of the character named and in the manner prescribed in Section Twenty-four of the said Enabling Act.

SEC. 6. No lands reserved and excepted of the lands granted to this State by the United States, actually or prospectively valuable for the

development of water power or power for hydro-electric use or transmission which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State, shall be subject to any disposition whatsoever by the State or by any officer of the State, and any conveyance or transfer of such lands made within said five years shall be null and void.

SEC. 7. A separate fund shall be established for each of the several objects for which the said grants are made and confirmed by the said Enabling Act to the State, and whenever any moneys shall be in any manner derived from any of said lands, the same shall be deposited by the State Treasurer in the fund corresponding to the grant under which the particular land producing such moneys was, by said Enabling Act, conveyed or confirmed. No moneys shall ever be taken from one fund for deposit in any other, or for any object other than that for which the land producing the same was granted or confirmed. The State Treasurer shall keep all such moneys invested in safe, interest-bearing securities, which securities shall be approved by the Governor and Secretary of State, and shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of his duties in regard thereto.

SEC. 8. Every sale, lease, conveyance, or contract of or concerning any of the lands granted or confirmed, or the use thereof or the natural products thereof made to this State by the said Enabling Act, not made in substantial conformity with the provisions hereof, shall be null and void.

SEC. 9. All lands expressly transferred and confirmed to the State, by the provisions of the Enabling Act approved June 20, 1910, including all lands granted to the State, and all lands heretofore granted to the Territory of Arizona, and all lands otherwise acquired by the State, may be sold or leased by the State in the manner, and on the conditions, and with the limitations, prescribed by the said Enabling Act and this Constitution, and as may be further prescribed by law; Provided, that the Legislature shall provide for the separate appraisal of the lands and of the improvements on school and university lands which have been held under lease prior to the adoption of this Constitution, and for reimbursement to the actual bona fide residents or lessees of such lands upon which such improvements are situated, as prescribed by Title 65, Civil Code of Arizona, 1901, and in such cases only as permit reimbursements to lessees in said Title 65.

SEC. 10. The legislature shall provide by proper laws for the sale of all state lands or the lease of such lands, and shall further provide by said laws for the protection of the actual bona fide residents and lessees of said lands, whereby such residents and lessees of said lands shall be protected in their rights to their improvements (including water rights) in such manner that in case of lease to other parties the former lessee shall be paid by the succeeding lessee the value of such improve-

ments and rights and actual bona fide residents and lessees shall have preference to a renewal of their leases at a re-assessed rental to be fixed as provided by law.

Filed July 2, 1918.

NOTE: The foregoing measure was submitted to the people by Initiative Petition, filed in the office of the Secretary of State, July 2, 1918, and approved by a majority of the votes cast thereon at the general election, held on the 5th day of November, 1918. There were 16,372 votes cast for said amendment and 10,867 against, and under the provisions of law by a proclamation of the Governor dated December 5th, 1918, took effect on said date.

SEC. 11. No individual, corporation, or association shall be allowed to purchase more than one hundred and sixty (160) acres of agricultural land, or more than six hundred and forty (640) acres of grazing land.

ARTICLE XI

EDUCATION

SECTION 1. The Legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include kindergarten schools, common schools, high schools, normal schools, industrial schools and a university (which shall include an agricultural college, a school of mines, and such other technical schools as may be essential until such time as it may be deemed advisable to establish separate State institutions of such character. The Legislature shall also enact such laws as shall provide for the education and care of the deaf, dumb, and blind.

SEC. 2. The general conduct and supervision of the public school system shall be vested in a State Board of Education, a State Superintendent of Public Instruction, county school superintendent, and such governing boards for the State institutions as may be provided by law.

SEC. 3. The State Board of Education shall be composed of the following members: the Governor, the Superintendent of Public Instruction, the President of the University, and principals of the State normal schools, as ex-officio members, and a city superintendent of schools, a principal of a high school, and a county superintendent of schools, to be appointed by the Governor. The powers and duties of the Board shall be such as may be prescribed by law. The members of the Board shall serve without pay, but all their necessary expenses incurred in attending the meetings of the Board, and for printing, shall be provided for by law.

SEC. 4. The State Superintendent of Public Instruction shall be a member, and secretary, of the State Board of Education, and, ex-officio, a member of any other board having control of public instruction in any State institution. His powers and duties shall be prescribed by law.

SEC. 5. The regents of the University, and the governing boards of

other State Educational institutions, shall be appointed by the Governor, except that the Governor shall be ex-officio, a member of the board of regents of the University.

SEC. 6. The University and all other State educational institutions shall be open to students of both sexes, and the instruction furnished shall be as nearly free as possible.

The Legislature shall provide for a system of common schools by which a free school shall be established and maintained in every school district for at least six months in each year, which school shall be open to all pupils between the ages of six and twenty-one years.

SEC. 7. No sectarian instruction shall be imparted in any school or State educational institution that may be established under this Constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the State, as teacher, student, or pupil; but the liberty of conscience hereby secured shall not be so construed as to justify practices or conduct inconsistent with the good order, peace, morality, or safety of the State, or with the rights of others.

SEC. 8. A permanent State school fund for the use of the common schools shall be derived from the sale of public schools lands or other public lands specified in the Enabling Act approved June 20, 1910; from all estates or distributive shares of estates that may escheat to the State; from all unclaimed shares and dividends of any corporation incorporated under the laws of Arizona; and from all gifts, devises, or bequests made to the State for general educational purposes.

The income derived from the investment of the permanent State school fund, and from the rental derived from school lands, with such other funds as may be provided by law shall be apportioned annually to the various counties of the State in proportion to the number of pupils of school age residing therein.

SEC. 9. The amount of this apportionment shall become a part of the county school fund, and the Legislature shall enact such laws as will provide for increasing the county fund sufficiently to maintain all the public schools of the county for a minimum term of six months in every school year. The laws of the State shall enable cities and towns to maintain free high schools, industrial schools, and commercial schools.

SEC. 10. The revenue for the maintenance of the respective State educational institutions shall be derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactment of the United States, for the use and benefit of the respective State educational institutions. In addition to such income the Legislature shall make such appropriations, to be met by taxation, as shall insure the proper maintenance of all State educational institutions, and shall make such special appropriations as shall provide for their development and improvement.

ARTICLE XII

COUNTIES

SECTION 1. Each county of the State, now or hereafter organized, shall be a body politic and corporate.

SEC. 2. The several counties of the Territory of Arizona as fixed by statute at the time of the adoption of this Constitution are hereby declared to be the counties of the State until changed by law.

SEC. 3. Subject to change by law, there are hereby created in and for each organized county of the State the following officers who shall be elected by the qualified electors thereof: Sheriff, Recorder, Treasurer, School Superintendent, County Attorney, Assessor, County Superintendent of Roads, and Surveyor, each of whom shall be elected for a term of two years, except that such officers elected at the first election for State and County officers shall serve until the first Monday in January, 1913; and three Supervisors, whose term of office shall be provided by law, except that at the first election for county officers the candidate for Supervisor receiving the highest number of votes shall hold office until the first Monday in January, 1915, and the two candidates for Supervisor, respectively, receiving the next highest number of votes shall hold office until the first Monday in January, 1913.

SEC. 4. The duties, powers, and qualifications of such officers shall be as prescribed by law. The Board of Supervisors of each county is hereby empowered to fix salaries for all county and precinct officers within such county for whom no compensation is provided by law, and the salaries so fixed shall remain in full force and effect until changed by general law.

ARTICLE XIII

MUNICIPAL CORPORATIONS

SECTION 1. Municipal corporations shall not be created by special laws, but the Legislature, by general laws, shall provide for the incorporation and organization of cities and towns and for the classification of such cities and towns in proportion to population, subject to the provisions of this Article.

SEC. 2. Any city containing now or hereafter, a population of more than three thousand five hundred, may frame a charter for its own government consistent with, and subject to, the Constitution and the laws of the State, in the following manner: A board of freeholders composed of fourteen qualified electors of said city may be elected at large by the qualified electors thereof, at a general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city. Such proposed charter shall be signed in duplicate by the members of such board, or a majority of them, and filed, one copy of said proposed charter with the chief executive officer of such city and

the other with the county recorder of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published, and of general circulation, within said city for at least twenty-one days if in a daily paper, or in three consecutive issues if a weekly paper, and the first publication shall be made within twenty days after the completion of the proposed charter. Within thirty days, and not earlier than twenty days, after such publication, said proposed charter shall be submitted to the vote of the qualified electors of said city at a general or special election. If a majority of such qualified electors voting thereon shall ratify such proposed charter, it shall thereupon be submitted to the Governor for his approval, and the Governor shall approve it if it shall not be in conflict with this Constitution or with the laws of the State. Upon such approval said charter shall become the organic law of such city and supersede any charter then existing (and all amendments thereto), and all ordinances inconsistent with said new charter. A copy of such charter, certified by the chief executive officer, and authenticated by the seal, of such city, together with a statement similarly certified and authenticated setting forth the submission of such charter to the electors and its ratification by them, shall after the approval of such charter by the governor, be made in duplicate and filed, one copy in the office of the Secretary of State and the other in the archives of the city after being recorded in the office of said County recorder. Thereafter all courts shall take judicial notice of said charter.

The charter so ratified may be amended by amendments proposed and submitted by the Legislative authority of the city to the qualified electors thereof (or by petition as hereinafter provided), at a general or special election, and ratified by a majority of the qualified electors voting thereon and approved by the Governor, as herein provided, for the approval of the charter.

SEC. 3. An election of such board of freeholders may be called at any time by the legislative authority of any such city. Such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding such election, signed by a number of qualified electors residing within such city equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election. Such election shall be held not later than thirty days after the call therefor. At such election a vote shall be taken upon the question whether further proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceedings shall be had, and all proceedings up to the time of said election shall be of no effect.

SEC. 4. No municipal corporation shall ever grant, extend, or renew a franchise without the approval of a majority of the qualified electors residing within its corporate limits who shall vote thereon at a general or special election, and the legislative body of any such corporation shall submit any such matter for approval or disapproval to such electors

at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice. No franchise shall be granted, extended, or renewed for a longer time than twenty-five years.

SEC. 5. Every municipal corporation within this State shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise from said municipal corporation.

SEC. 6. No grant, extension, or renewal of any franchise or other use of the streets, alleys, or other public grounds, or ways, of any municipality shall divest the State or any of its subdivisions of its or their control and regulation of such use and enjoyment; nor shall the power to regulate charges for public services be surrendered; and no exclusive franchise shall ever be granted.

ARTICLE XIV

CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. The term "corporation," as used in this Article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or co-partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

SEC. 2. Corporations may be formed under general laws, but shall not be created by special Acts. Laws relating to corporations may be altered, amended, or repealed at any time, and all corporations doing business in this State may, as to such business, be regulated, limited, and restrained by law.

SEC. 3. All existing charters under which a bona fide organization shall not have taken place and business commenced in good faith within six months from the time of the approval of this Constitution shall thereafter have no validity.

SEC. 4. No corporation shall engage in any business other than that expressly authorized in its charter or by the law under which it may have been or may hereafter be organized.

SEC. 5. No corporation organized outside of the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law for similar corporations organized under the laws of this State; and no foreign corporation shall be permitted to transact business within this State unless said foreign corporation is by the laws of the country, State, or Territory under which it is formed permitted to transact a like business in such country, State, or Territory.

SEC. 6. No corporation shall issue stock, except to bona fide subscribers therefor or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or for labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law

authorize the increase of stocks of any corporation without the consent of the person or persons holding the larger amount in value of the stock of such corporations, nor without due notice of the proposed increase having been given as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

SEC. 7. No corporation shall lease or alienate any franchise so as to relieve the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or of any of its privileges.

SEC. 8. No domestic or foreign corporation shall do any business in this State without having filed its articles of incorporation or a certified copy thereof with the Corporation Commission, and without having one or more known places of business and an authorized agent, or agents, in the State upon whom process may be served. Suit may be maintained against a foreign corporation in the county where an agent of such corporation may be found, or in the county where the cause of action may arise.

SEC. 9. The right of exercising eminent domain shall never be so abridged or construed as to prevent the State from taking the property and the franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

SEC. 10. In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more such candidates; and such directors or managers shall not be elected otherwise.

SEC. 11. The shareholders or stockholders of every banking or insurance corporation or association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock.

SEC. 12. Any president, director, manager, cashier, or other officer of any banking institution who shall receive, or assent to, the reception of any deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits.

SEC. 13. No persons acting as a corporation under the laws of Arizona shall be permitted to set up, or rely upon, the want of a legal organization as a defense to any action which may be brought against them as a corporation, nor shall any person or persons who may be sued on a contract now or hereafter made with such corporation, or sued for any injury now or hereafter done to its property, or for a

wrong done to its interests, be permitted to rely upon such want of legal organization in his or their defense.

SEC. 14. The Article shall not be construed to deny the right of the legislative power to impose other conditions upon corporations than those herein contained.

SEC. 15. Monopolies and trusts shall never be allowed in this State, and no incorporated company, co-partnership, or association of persons in this State shall directly or indirectly combine or make any contract, with any incorporated company, foreign or domestic, through their stockholders or the trustees or assigns of such stockholders or with any co-partnership or association of persons, or, in any manner whatever, to fix the prices, limit the production, or regulate the transportation of any product or commodity. The Legislature shall enact laws for the enforcement of this Section by adequate penalties, and in the case of incorporated companies, if necessary for that purpose, may as a penalty declare a forfeiture of their franchises.

SEC. 16. The records, books, and files of all public service corporations, State banks, building and loan associations, trust, insurance, and guaranty companies shall be at all times liable and subject to the full visitatorial and inquisitorial powers of the State, notwithstanding the immunities and privileges secured in the Declaration of Rights of this Constitution to persons, inhabitants, and citizens of this State.

SEC. 17. Provisions shall be made by law for the payment of a fee to the State by every domestic corporation, upon the grant, amendment, or extension of its charter, and by every foreign corporation upon its obtaining a license to do business in this State; and also for the payment, by every domestic corporation and foreign corporation doing business in this State, of an annual registration fee of not less than ten dollars, which fee shall be paid irrespective of any specific license or other tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation, at the time of paying such fee, of such report to the corporation commission of the status, business, or condition of such corporation, as may be prescribed by law. No foreign corporation shall have authority to do business in this State until it shall have obtained from the Corporation Commission a license to do business in the State, upon such terms as may be prescribed by law. The Legislature may relieve any purely charitable, social, fraternal, benevolent, or religious institution from the payment of such annual registration fee.

SEC. 18. It shall be unlawful for any corporation organized or doing business in this State, to make any contribution of money or anything of value for the purpose of influencing any election or official action.

SEC. 19. Suitable penalties shall be prescribed by law for the violation of any of the provisions of this Article.

ARTICLE XV

THE CORPORATION COMMISSION

SECTION 1. A Corporation Commission is hereby created to be composed of three persons, who shall be elected at the general election to be held under the provisions of the Enabling Act approved June 20, 1910, and whose term of office shall be co-terminus with that of the Governor of the State elected at the same time, and who shall maintain their chief office, and reside, at the State Capital. At the first general State election held under this Constitution at which a Governor is voted for, three commissioners shall be elected who shall, from and after the first Monday in January next succeeding said election, hold office as follows:

The one receiving the highest number of votes shall serve six years, and the one receiving the second highest number of votes shall serve four years, and, the one receiving the third highest number of votes shall serve two years. And one commissioner shall be elected every two years thereafter. In case of vacancy in said office, the Governor shall appoint a commissioner to fill such vacancy. Such appointed commissioner shall fill such vacancy until a commissioner shall be elected at a general election as provided by law, and shall qualify. The qualifications of commissioners may be prescribed by law.

SEC. 2. All corporations other than municipal engaged in carrying persons or property for hire; or in furnishing gas, oil, or electricity for light, fuel, or power; or in furnishing water for irrigation, fire protection, or other public purposes; or in furnishing, for profit, hot or cold air or steam for heating or cooling purposes; or in transmitting messages or furnishing public telegraph or telephone service, and all corporations other than municipal, operating as common carriers, shall be deemed public service corporations.

SEC. 3. The Corporation Commission shall have full power to, and shall, prescribe just and reasonable classification to be used, and just and reasonable rates and charges to be made and collected, by public service corporations within the State for service rendered therein, and make reasonable rules, regulations, and orders, by which such corporations shall be governed in the transaction of business within the State, and may prescribe the forms of contracts, and the systems of keeping accounts to be used by such corporations in transacting such business, and make and enforce reasonable rules, regulations, and orders for the convenience, comfort and safety, and the preservation of the health, of the employees and patrons of such corporations; Provided, that incorporated cities and towns may be authorized by law to exercise supervision over public service corporations doing business therein, including the regulation of rates and charges to be made and collected by such corporations; Provided further, that classifications, rates, charges, rules, regulations, orders, and forms or systems prescribed or made by said Corporation Commission may from time to time be amended or repealed by such Commission.

SEC. 4. The Corporation Commission, and the several members thereof, shall have power to inspect and investigate the property, books, papers, business, methods, and affairs of any corporation whose stock shall be offered for sale to the public, and of any public service corporation doing business within the State, and for the purpose of the Commission, and of the several members thereof, shall have the power of a court of general jurisdiction to enforce the attendance of witnesses and the production of evidence by subpoena, attachment, and punishment, which said power shall extend throughout the State. Said Commission shall have power to take testimony under commission or deposition within or without the State.

SEC. 5. The Corporation Commission shall have the sole power to issue certificates of incorporation to companies organizing under the laws of this State, and to issue licenses to foreign corporations to do business in this State, as may be prescribed by law.

SEC. 6. The law-making power may enlarge the powers and extend the duties of the Corporation Commission, and may prescribe rules and regulations to govern proceedings instituted by and before it; but, until such rules and regulations are provided by law, the Commission may make rules and regulations to govern such proceedings.

SEC. 7. Every public service corporation organized or authorized under the laws of the State to do any transportation or transmission business within the State shall have the right to construct and operate lines connecting any points within the State, and to connect at the State boundaries with like lines; and every such corporation shall have the right with any of its lines to cross, intersect, or connect with, any lines of any other public service corporation.

SEC. 8. Every public service corporation doing a transportation business within the State shall receive and transport, without delay or discrimination, cars loaded or empty, property, or passengers delivered to it by any other public service corporation doing a similar business, and deliver cars, loaded or empty, without delay or discrimination, to other transportation corporations, under such regulations as shall be prescribed by the Corporation Commission, or by law.

SEC. 9. Every public service corporation engaged in the business of transmitting messages for profit shall receive and transmit, without delay or discrimination, any messages delivered to it by any other public service corporation engaged in the business of transmitting messages for profit, and shall, with its lines, make physical connections with the lines of any public service corporation engaged in the business of transmitting messages for profit, under such rules and regulations as shall be prescribed by the Corporation Commission, or by law; Provided, that such public service corporations shall deliver messages to other such corporations, without delay or discrimination, under such rules and regulations as shall be prescribed by the Corporation Commission, or by law.

SEC. 10. Railways heretofore constructed, or that may hereafter be constructed, in this State, hereby declared public highways, and all rail-

road, car, express, electric, transmission, telegraph, telephone or pipe line corporations, for the transportation of persons, or of electricity, messages, water, oil or other property for profit are declared to be common carriers and subject to control by law.

SEC. 11. The rolling stock and all other movable property belonging to any public service corporation in this State, shall be considered personal property, and its real and personal property, and every part thereof, shall be liable to attachment, execution, and sale in the same manner as the property of individuals; and the law-making power shall enact no laws exempting any such property from attachment, execution, or sale.

SEC. 12. All charges made for service rendered, or to be rendered by public service corporations within this State shall be just and reasonable and no discrimination in charges, service, or facilities shall be made between persons or places for rendering a like and contemporaneous service, except that the granting of free or reduced rate transportation may be authorized by law, or by the Corporation Commission, to the classes of persons described in the Act of Congress approved February 11, 1887, entitle An Act to Regulate Commerce and the amendments thereto, as those to whom free or reduced rate transportation may be granted.

SEC. 13. All public service corporations and corporations whose stock shall be offered for sale to the public shall make such reports to the Corporation Commission, under oath, and provide such information concerning their acts and operations as may be required by law, or by the Corporation Commission.

SEC. 14. The Corporation Commission shall, to aid it in the proper discharge of its duties, ascertain the fair value of the property within the State of every public service corporation doing business therein; and every public service corporation doing business within the State shall furnish to the Commission all evidence in its possession, and all assistance in its power, requested by the Commission in aid of the determination of the value of the property within the State of such service corporation.

SEC. 15. No public service corporation in existence at the time of the admission of this State into the Union shall have the benefit of any future legislation except on condition of complete acceptance of all provisions of this Constitution applicable to public service corporations.

SEC. 16. If any public service corporation shall violate any of the rules, regulations, orders, or decisions of the Corporation Commission, such corporation shall forfeit and pay to the State not less than one hundred dollars, nor more than five thousand dollars for each such violation, to be recovered before any court of competent jurisdiction.

SEC. 17. Nothing herein shall be construed as denying to public service corporations the right of appeal to the courts of the State from the rules, regulations, orders, or decrees fixed by the Corporation Commission, but the rules, regulations, orders, or decrees so fixed shall remain in force pending the decision of the courts.

SEC. 18. Until otherwise provided by law, each Commissioner shall

receive a salary of three thousand dollars a year, together with his actual necessary expenses when away from home in the discharge of the duties of his office.

SEC. 19. The Corporation Commission shall have the power and authority to enforce its rules, regulations and orders by the imposition of such fines as it may deem just within the limitations prescribed in Section 16 of this Article.

ARTICLE XVI

MILITIA

SECTION 1. The militia of the State of Arizona shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, and of those between said ages who shall have declared their intention to become citizens of the United States, residing therein, subject to such exemptions as now exist, or as may hereafter be created, by the laws of the United States or of this State.

SEC. 2. The organized militia shall be designated "The National Guard of Arizona," and shall consist of such organized military bodies as now exist under the laws of the Territory of Arizona or as may hereafter be authorized by law.

SEC. 3. The organization, equipment, and discipline of the National Guard shall conform as nearly as shall be practicable to the regulations for the government of the armies of the United States.

ARTICLE XVII

WATER RIGHTS

SECTION 1. The common law doctrine of riparian water rights shall not obtain or be of any force or effect in the State.

SEC. 2. All existing rights to the use of any of the water in the State for all useful or beneficial purposes are hereby recognized and confirmed.

ARTICLE XVIII

LABOR

SECTION 1. Eight hours and no more, shall constitute a lawful day's work in all employment by, or on behalf of, the State or any political subdivision of the State. The Legislature shall enact such laws as may be necessary to put this provision into effect, and shall prescribe proper penalties for any violation of said laws.

SEC. 2. No child under the age of fourteen years shall be employed in any gainful occupation at any time during the hours in which the

public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines, or in any occupation injurious to health or morals or hazardous to life or limb, nor in any occupation at night, or for more than eight hours in any day.

SEC. 3. It shall be unlawful for any person, company, association, or corporation to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement whereby such person, company, association, or corporation shall be released or discharged from liability or responsibility on account of personal injuries which may be received by such servants or employees while in the service or employment of such person, company, association, or corporation, by reason of the negligence of such person, company, association, corporation, or the agents or employees thereof; and any such contract or agreement if made, shall be null and void.

SEC. 4. The common law doctrine of fellow servants, so far as it affects the liability of a master for injuries to his servants resulting from the acts or omissions of any other servant or servants of the common master is forever abrogated.

SEC. 5. The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact and shall, at all times, be left to the jury.

SEC. 6. The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation.

SEC. 7. To protect the safety of employees in all hazardous occupations, in mining, smelting, manufacturing, railroad or street railway transportation, or any other industry the Legislature shall enact an Employer's Liability law, by the terms of which any employer, whether individual, association, or corporation shall be liable for the death or injury, caused by any accident due to a condition or conditions of such occupation, of any employee in the service of such employer in such hazardous occupation, in all cases in which such death or injury of such employee shall not have been caused by the negligence of the employee killed or injured.

*SEC. 8. The Legislature shall enact a Workmen's Compensation Law applicable to workmen engaged in manual or mechanical labor in all public employment whether of the State, or any political sub-division or municipality thereof as may be defined by law and in such private employments as the legislature may prescribe by which compensation shall be required to be paid to any such workman, in case of his injury and to his dependents, as defined by law, in case of his death, by his employer, if in the course of such employment personal injury to or death of any such workman from any accident arising out of and in the course of, such employment, is caused in whole, or in part, or is con-

**NOTE: Amendment submitted to voters and adopted at the Special Election, September 29, 1925. (See Appendix for original Section.)*

tributed to, by a necessary risk or danger of such employment, or a necessary risk or danger inherent in the nature thereof, or by failure of such employer, or any of his or its agents or employee or employees to exercise due care, or to comply with any law affecting such employment; provided that it shall be optional with any employee engaged in any such private employment to settle for such compensation, or to retain the right to sue said employer as provided by this Constitution; and, provided further, in order to assure and make certain a just and humane compensation law in the State of Arizona, for the relief and protection of such workmen, their widows, children or dependents, as defined by law, from the burdensome, expensive and litigious remedies for injuries to or death of such workmen, now existing in the State of Arizona, and producing uncertain and unequal compensation therefor, such employee, engaged in such private employment, may exercise the option to settle for compensation by failing to reject the provisions of such Workmen's Compensation Law prior to the injury.

The percentages and amounts provided in House Bill No. 227 enacted by the Seventh Legislature of the State of Arizona, shall never be reduced nor any industry included within the provision of said House Bill No. 227 eliminated except by initiated or referred measure as provided by this Constitution.

SEC. 9. The exchange, solicitation, or giving out of any labor "black list," is hereby prohibited, and suitable laws shall be enacted to put this provision into effect.

SEC. 10. No person not a citizen or ward of the United States, or who has not declared his intention to become a citizen, shall be employed upon, or in connection with, any State, county or municipal works or employment; Provided, that nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof on street or road work, or other public work. The Legislature shall enact laws for the enforcement, and shall provide for the punishment of any violation, of this section.

ARTICLE XIX

MINES

The office of Mine Inspector is hereby established. The Legislature, at its first session, shall enact laws so regulating the operation and equipment of all mines in the State as to provide for the health and safety of workers therein and in connection therewith, and fixing the duties of said office. Upon approval of such laws by the Governor, the Governor with the advice and consent of the Senate, shall forthwith appoint a Mine Inspector, who shall serve until his successor shall have been elected at the first general election thereafter and shall qualify. Said successor and all subsequent incumbents of said office shall be elected at general elections, and shall serve for two years.

ARTICLE XX

ORDINANCE

The following ordinance shall be irrevocable without the consent of the United States and the people of this State:

First. Perfect toleration of religious sentiment shall be secured to every inhabitant of this State, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship, or lack of the same.

Second. Polygamous or plural marriages, or polygamous cohabitation, are forever prohibited within this State.

Third. The sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian country are forever prohibited within this State.

Fourth. The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that, until the title of such Indian or Indian tribes shall have been extinguished, the same shall be, and remain, subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States.

*Fifth. The lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property situated in this State belonging to residents thereof, and no taxes shall be imposed by this State on any lands or other property within an Indian Reservation owned or held by any Indian; but nothing herein shall preclude the State from taxing as other lands and other property are taxed, any lands and other property outside of an Indian Reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid, or as may be granted or confirmed to any Indian or Indians under any act of Congress.

Sixth. The debts and liabilities of the Territory of Arizona, and the debts of the counties thereof, valid and subsisting at the time of the passage of the Enabling Act approved June 20, 1910, are hereby assumed and shall be paid by the State of Arizona, and the State of Arizona shall, as to all such debts and liabilities be subrogated to all the rights, including rights of indemnity and reimbursement, existing in favor of said Territory or of any of the several counties thereof, at the time of the passage of the said Enabling Act; Provided, that nothing in this ordinance shall be construed as validating or in any manner legalizing any Territorial, county, municipal, or other bonds, obligations, or evidence of indebted-

*NOTE: Amendment submitted to voters and adopted at the Special Election, May 31, 1927.

ness of said Territory or the counties or municipalities thereof which now are or may be invalid or illegal at the time the said State of Arizona is admitted as a State, and the Legislature or the people of the State of Arizona shall never pass any law in any manner validating or legalizing the same.

Seventh. Provisions shall be made by law for the establishment and maintenance of a system of public schools which shall be open to all children of the State and be free from sectarian control, and said schools shall always be conducted in English.

The State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

Eighth. The ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter, shall be a necessary qualification for all State officers and members of the State Legislature.

Ninth. The capital of the State of Arizona, until changed by the electors voting at an election provided for by the Legislature for that purpose shall be at the City of Phoenix, but no such election shall be called or provided for prior to the thirty-first day of December, nineteen hundred and twenty-five.

*Tenth. A majority of the members elected to the two Houses of the Eighth Legislature approved the proposal contained in Substitute House Bill No. 177, Chapter No. 110 of the Arizona Statutes, that the tenth paragraph of Article XX of the Constitution of the State of Arizona be abrogated, repealed and stricken from said Constitution. This approval was entered on the journal of each House together with the ayes and nays thereon and the amendment was submitted to the people, and the paragraph repealed.

Eleventh. Whenever hereafter any of the lands contained within Indian reservations or allotments in this State shall be allotted, sold, reserved, or otherwise disposed of, they shall be subject, for a period of twenty-five years after such allotment, sale, reservation, or other disposal, to all the laws of the United States prohibiting the introduction of liquor into the Indian country.

Twelfth. The State of Arizona and its people hereby consent to all and singular the provisions of the Enabling Act approved June 20, 1910, concerning the lands thereby granted or confirmed to the State the terms and conditions upon which said grants and confirmations are made, and the means and manner of enforcing such terms and conditions, all in every respect and particularly as in the aforesaid Enabling Act provided.

Thirteenth. This ordinance is hereby made a part of the Constitution of the State of Arizona, and no future Constitutional amendment shall be made which in any manner changes or abrogates this ordinance in whole or in part without the consent of Congress.

*NOTE: See Appendix for original Section.

ARTICLE XXI

MODE OF AMENDING

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either House of the Legislature, or by Initiative Petition signed by a number of qualified electors equal to fifteen per centum of the total number of votes for all candidates for Governor at the last preceding general election.

Any proposed amendment or amendments which shall be introduced in either House of the Legislature, and which shall be approved by a majority of the members elected to each of the two Houses shall be entered on the journal of each House, together with the ayes and nays thereon. When any proposed amendment or amendments shall be thus passed by a majority of each House of the Legislature and entered on the respective journals thereof, or when any elector or electors shall file with the Secretary of State any proposed amendment or amendments together with a petition therefor, signed by a number of electors equal to fifteen per centum of the total number of votes for all candidates for Governor in the last preceding general election, the Secretary of State shall submit such proposed amendment or amendments to the vote of the people at the next general election (except when the Legislature shall call a special election for the purpose of having said proposed amendment or amendments voted upon, in which case the Secretary of State shall submit such proposed amendment or amendments to the qualified electors at said election), and if a majority of the qualified electors voting thereon shall approve and ratify such proposed amendment or amendments in said regular or special election such amendment or amendments shall become a part of this Constitution. Until a method of publicity is otherwise provided by law the Secretary of State shall have such proposed amendment or amendments published for a period of at least ninety days previous to the date of said election in at least one newspaper in every county of the State in which a newspaper shall be published, in such manner as may be prescribed by law. If more than one proposed amendment shall be submitted at any election, such proposed amendments shall be submitted in such manner that the electors may vote for or against such proposed amendments separately.

SEC. 2. No convention shall be called by the Legislature to propose alterations, revisions, or amendments to this Constitution, or to propose a new Constitution, unless laws providing for such convention shall first be approved by the people on a Referendum vote at a regular or special election, and any amendments, alterations, revisions, or new Constitution proposed by such Convention shall be submitted to the electors of the State at a general or special election and be approved by the majority of the electors voting thereon before the same shall become effective.

ARTICLE XXII

SCHEDULE AND MISCELLANEOUS

SECTION 1. No rights, actions, suits, proceedings, contracts, claims, or demands, existing at the time of the admission of this State into the Union shall be affected by a change in the form of government, from Territorial to State, but all shall continue as if no change had taken place; and all process which may have been issued under the authority of the Territory of Arizona, previous to its admission into the Union, shall be as valid as if issued in the name of the State.

SEC. 2. All laws of the Territory of Arizona now in force, not repugnant to this Constitution, shall remain in force as laws of the State of Arizona until they expire by their own limitations or are altered or repealed by law; Provided, that wherever the word Territory, meaning the Territory of Arizona, appears in said laws, the word State shall be substituted.

SEC. 3. All debts, fines, penalties, and forfeitures which have accrued, or may hereafter accrue, to the Territory of Arizona shall inure to the State of Arizona.

SEC. 4. All recognizances heretofore taken, or which may be taken, before the change from a territorial to a State government, shall remain valid, and shall pass to and may be prosecuted in the name of the State, and all bonds executed to the Territory of Arizona, or to any county or municipal corporation, or to any officer, or court, in his or its official capacity, shall pass to the State authorities and their successors in office for the uses therein expressed, and may be sued for and recovered accordingly; and all the estate, real, personal, and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims, demands, or debts of whatever description, belonging to the Territory of Arizona, shall inure to and vest in the State of Arizona, and may be sued for and recovered by the State of Arizona in the same manner, and to the same extent, as the same might or could have been by the Territory of Arizona.

SEC. 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Arizona before the change from a Territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name, and by the authority of the State of Arizona, with like effect as though such change had not taken place, and all penalties incurred and punishments inflicted shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity, which may be pending in any of the courts, of the Territory of Arizona at the time of the change from a Territorial to a State government, shall be continued and transferred to the court of the State, or of the United States, having jurisdiction thereof.

SEC. 6. All Territorial, district, county, and precinct officers who may be in office at the time of the admission of the State into the Union shall hold their respective offices until their successors shall have qualified, and the official bonds of all such officers shall continue in full force and effect while such officers remain in office.

SEC. 7. Whenever the judge of the superior court of any county, elected or appointed under the provisions of this Constitution, shall have qualified, the several causes then pending in the district court of the Territory, and in and for such county, except such causes as would have been within the exclusive jurisdiction of the United States courts, had such courts existed at the time of the commencement of such causes within such county, and the records, papers, and proceedings of said district court, and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court of such county.

It shall be the duty of the clerk of the district court having custody of such papers, records, and property, to transmit to the clerk of said superior court the original papers in all cases pending in such district and belonging to the jurisdiction of said superior court, together with a transcript, or transcripts, of so much of the record of said district court as shall relate to the same; and until the district courts of the Territory shall be superseded in manner aforesaid, and as in this Constitution provided, the said district courts, and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial district, respectively, as heretofore, and now, constituted.

SEC. 8. When the State is admitted into the Union, and the superior courts, in their respective counties, are organized, the books, records, papers, and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the superior court of the same county created by this Constitution, and the said court shall proceed to final judgment or decree, order, or other determination, in the several matters and causes with like effect as the probate court might have done if this Constitution had not been adopted.

SEC. 9. Whenever a quorum of the judges of the Supreme Court of the State shall have been elected, and qualified, and shall have taken office, under this Constitution, causes then pending in the Supreme Court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States courts, had such courts existed at the time of the commencement of such causes, and the papers, records, and proceedings of said courts, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the State, and until so superseded, the Supreme Court of the Territory, and the judges thereof, shall continue, with like powers and jurisdiction as if this Constitution had not been adopted, or the State admitted into the Union; and all causes pending in the Supreme Court of the Territory at said time, and which said causes would have

been within the exclusive jurisdiction of the United States courts, had such courts existed, at the time of the commencement of such causes, and the papers, records, and proceedings of said court, relating thereto, shall pass into the jurisdiction of the United States courts, all as in the Enabling Act approved June 20, 1910, provided.

SEC. 10. Until otherwise provided by law, the seal now used in the Supreme Court of the Territory, shall be the seal of the Supreme Court of the State, except that the word "State" shall be substituted for the word "Territory" on said seal. The seal of the superior courts of the several counties of the State, until otherwise provided by law, shall be the vignette of Abraham Lincoln, with the words, "Seal of the Superior court of..... County, State of Arizona," surrounding the vignette. The seal of municipalities, and of all county officers, in the Territory, shall be the seals of such municipalities and county officers, respectively, under the State, until otherwise provided by law, except that the word "Territory," or "Territory of Arizona," be changed to read "State" or "State of Arizona," where the same may appear on any such seals.

SEC. 11. The provisions of this Constitution shall be in force from the day on which President of the United States shall issue his proclamation declaring the State of Arizona admitted into the Union.

SEC. 12. One Representative in the Congress of the United States shall be elected from the State at large, and at the same election at which officers shall be elected under the Enabling Act, approved June 20, 1910, and, thereafter, at such times and in such manner as may be prescribed by law.

SEC. 13. The term of office of every officer to be elected or appointed under this Constitution or the laws of Arizona shall extend until his successors shall be elected and shall qualify.

SEC. 14. Any law which may be enacted by the Legislature under this Constitution may be enacted by the people under the Initiative. Any law which may not be enacted by the Legislature under this Constitution shall not be enacted by the people.

SEC. 15. Reformatory and penal institutions, and institutions for the benefit of the insane, blind, deaf, and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

SEC. 16. It shall be unlawful to confine any minor under the age of eighteen years, accused or convicted of crime, in the same section of any jail or prison in which adult prisoners are confined. Suitable quarters shall be prepared for the confinement of such minors.

SEC. 17. All State and county officers (except notaries public) and all justices of the peace and constables, whose precinct includes a city or town or part thereof, shall be paid fixed and definite salaries, and they shall receive no fees for their own use.

SEC. 18. A State Examiner, who shall be a skilled accountant shall be appointed by the Governor, by and with the advice and consent of

the Senate, for a term of two years. The State Examiner shall examine the books and accounts of such public officers, and perform such other duties, and have such other powers, as may be prescribed by law.

SEC. 19. The Legislature shall enact laws and adopt rules prohibiting the practice of lobbying on the floor of either House of the Legislature, and further regulating the practice of lobbying.

SEC. 20. The seal of the State shall be of the following design. In the background shall be a range of mountains, with the sun rising behind the peaks thereof, and at the right side of the range of mountains there shall be a storage reservoir and a dam, below which in the middle distance are irrigated fields and orchards reaching into the foreground, at the right of which are cattle grazing. To the left in the middle distance on a mountain side is a quartz mill in front of which and in the foreground is a miner standing with pick and shovel. Above this device shall be the motto: "Ditat Deus." In a circular band surrounding the whole device shall be inscribed: "Great Seal of The State of Arizona," with the year of admission of the State into the Union.

SEC. 21. The Legislature shall enact all necessary laws to carry into effect the provisions of this Constitution.

ARTICLE XXIII

PROHIBITION

SECTION 1. Ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall not be manufactured in or introduced into the State of Arizona under any pretense. Every person who sells, exchanges, gives, barter, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquor of any kind to any person in the State of Arizona, or who manufacturers, or introduces into, or attempts to introduce into the State of Arizona any ardent spirits, ale, beer, wine, or intoxicating liquor of any kind, shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not less than ten days nor more than two years and fined not less than twenty-five dollars and costs nor more than three hundred dollars and costs for each offense; provided, that nothing in this amendment contained shall apply to the manufacture or sale of denatured alcohol.

SEC. 2. The Legislature shall by appropriate legislation provide for the carrying into effect of this amendment.

SEC. 3. This amendment shall take effect on, and be in force on and after the first day of January, 1915.

Filed July 2, 1914.

¹Const. Amendment No. XXIII.

NOTE: This amendment was submitted to the people by INITIATIVE PETITION, filed in the office of the Secretary of State, July 2nd, 1914, and approved by a majority of the votes cast thereon, at the general election held on the 3rd day of November, 1914. There were 25,887 votes cast for said amendment and 22,743 against, and under the provisions of law by a proclamation of the Governor dated December 14, 1914, became a law on said date.

ARTICLE XXIV

RECEIVING OR POSSESSING INTOXICATING LIQUOR

SECTION 1. It shall be unlawful for any person in the State of Arizona to receive, or cause to be received, from without the State of Arizona, for any purpose, any ardent spirits, ale, beer, wine or intoxicating liquors of any kind, and it shall be unlawful for any person in the State of Arizona to have in his possession, for any purpose, any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind, which he has introduced or caused to be introduced into the State of Arizona, and it shall be unlawful for any person to transport or cause to be transported, within the State of Arizona, any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind, provided, that it shall be lawful for any regularly ordained priest or clergyman of an established church to receive, transport and possess wine to be used only for sacramental purposes, and provided further, that the University of Arizona, through its Board of Regents, may introduce, receive, transport and possess grain alcohol for scientific uses, and may use and may distribute such alcohol under such restrictions and regulations as said Board of Regents may from time to time adopt, to other institutions of research and learning, for scientific uses. And provided further, that nothing herein shall prevent the introduction, transportation and possession of denatured alcohol.

SEC. 2. Every person who shall violate any provisions of section 1 of this article or any rule or regulation made thereunder, shall be guilty of a misdemeanor, and shall be imprisoned for not less than ten days, nor more than two years, and fined not less than twenty-five dollars and costs, and not more than three hundred dollars and costs for each offense; and the liquors received, transported or possessed in violation of section one of this article or manufactured, introduced, or disposed of in violation of Article XXIII of this Constitution, shall be by the court ordered publicly destroyed.

Filed July 6th, 1916.

¹Const. Amendment No. XXIV.

NOTE: This amendment was submitted to the people by INITIATIVE PETITION, filed in the office of the Secretary of State, July 6th, 1916, and approved by a majority of the votes cast thereon at the general election, held on the 7th day of November, 1916. There were 28,473 votes cast for said amendment and 17,379 against, and under the provisions of law by a proclamation of the Governor dated December 8th, 1916, took effect on said date.

APPENDIX TO CONSTITUTION

Provisions of the Constitution before the amendments adopted at the election of November 5, 1912.

ARTICLE VII

SECTION 2. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, except school elections as provided in Section 8 of this Article, unless such person be a male citizen of the United States of the age of twenty-one years or over, and shall have resided in the State one year immediately preceding such election.

SEC. 15. Every male person elected or appointed to any office of trust or profit under the authority of the State or of any political division of the State, or any male deputy of such officer, shall be a qualified elector of the political division in which said person shall be elected or appointed.

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ARTICLE VIII

SECTION 1. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal twenty-five per centum of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer, may by petition, which shall be known as a Recall Petition, demand his recall.

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ARTICLE VIII

SECTION 1. Every public officer in the State of Arizona, except members of the judiciary, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral districts may include the whole State. Such number of said electors as shall equal twenty-five per centum of the

number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a Recall Petition, demand his recall.

ARTICLE IX

SECTION 8. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property tax-payers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for State and county purposes, previous to incurring such indebtedness; except, that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; provided, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality.

SEC. 11. There shall be a State Board of Equalization, which, until otherwise provided by law, shall consist of the chairman of the boards of supervisors in the various counties of the State; and the State Auditor, who shall be ex-officio chairman thereof; and there shall also be in each county of the State, a County Board of Equalization consisting of the board of supervisors of said county. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of the real and personal property among the several counties of the State. The duty of the County Board of Equalization shall be to adjust and equalize the valuation of real and personal property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

(See footnote on page 180 for amendment in 1914.)

Provisions of the Constitution before the amendments adopted at the election of November 5, 1918.

ARTICLE IV

SECTION 1. Until otherwise provided by law, the Senate shall consist of 19 members, and the House of Representatives of 35 members, and Senators and Representatives shall be appointed among the several counties as follows:

Apache county, 1 Senator, 1 Representative; Cochise county, 2 Senators, 7 Representatives; Coconino county, 1 Senator, 1 Representative;

Gila county, 2 Senators, 3 Representatives; Graham county, 1 Senator, 2 Representatives; Greenlee county, 1 Senator, 2 Representatives; Maricopa county, 2 Senators, 6 Representatives; Mohave county, 1 Senator, 1 Representative; Navajo county, 1 Senator, 1 Representative; Pima county, 2 Senators, 3 Representatives; Pinal county, 1 Senator, 1 Representative; Santa Cruz county, 1 Senator, 1 Representative; Yavapai county, 2 Senators, 4 Representatives; Yuma county, 1 Senator, 2 Representatives.

Provisions of the Constitution before the amendments adopted at the election November 5, 1918.

ARTICLE X

SEC. 10. The Legislature shall provide by proper laws for the sale of all State lands or the lease of such lands for terms not longer than five years, and shall further provide by said laws for the protection of the actual bona fide residents and lessees of said lands, whereby such residents and lessees shall be protected in their rights to their improvements, including water rights, in such manner that in case of lease to other parties, the former lessee shall be paid by the succeeding lessee the value of said improvements and rights, and actual bona fide residents and lessees shall have preference to renewal of their leases at a re-assessed rental, fixed as provided by law.

SEC. 11. No individual, corporation, or association shall ever be allowed to purchase or lease more than one hundred and sixty acres of agricultural land, or more than six hundred and forty acres of grazing land.

Provisions of the Constitution before the amendments adopted at the Special Election, September 29, 1925.

ARTICLE XVIII

SEC. 8. The Legislature shall enact a Workmen's Compulsory Compensation law applicable to workmen engaged in manual or mechanical labor in such employments as the Legislature may determine to be especially dangerous, by which compulsory compensation shall be required to be paid to any such workman by his employer, if in the course of such employment personal injury to any such workman from any accident arising out of, and in the course of, such employment is caused in whole, or in part, or is contributed to, by a necessary risk or danger of such employment, or a necessary risk or danger inherent in the nature thereof, or by failure of such employer, or any of his or its officers, agents, or employee, or employees, to exercise due care, or to comply with any affecting such employment; Provided, that it shall be optional with said employee to settle for such compensation, or retain the right to sue said employer as provided by this Constitution.

Provisions of the Constitution before the amendments adopted at the special election, May 31, 1927.

ARTICLE XX

Fifth. The lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property situated in this State belonging to residents thereof, and no taxes shall be imposed by this State, upon lands or property situated in the State belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein shall preclude the State from taxing as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid, or as may be granted or confirmed to any Indian or Indians under any Act of Congress, but all such lands shall be exempted from taxation so long and to such extent as Congress has prescribed or may hereafter prescribe.

Tenth. There are hereby reserved to the United States, with full acquiescence of this State, all rights and powers for the carrying out of the provisions by the United States of the Act of Congress entitled, "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and Acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory.

Provisions of the Constitution before the amendments adopted at the election, November 6, 1928.

ARTICLE IX

SEC. 2. There shall be exempted from taxation all Federal, State, county and municipal property. Property of educational, charitable, and religious associations or institutions not used or held for profit may be exempted from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall further be exempt from taxation, the property of widows, residents of this State, not exceeding the amount of one thousand dollars, where the total assessment of such widow does not exceed two thousand dollars. All property in the State not exempt under the laws of the United States or under this Constitution, or exempted by law under the provisions of this section, shall be subject to taxation to be ascertained as provided by law.

EXPLANATION OF TERMS

A standard, or dictionary, definition has not been attempted. The following explanations indicate what the author had in mind by the use of these terms.

Absolute Veto—To forbid in such a way as to be final, that is, with no legal power to overcome the veto.

Acts of Licentiousness—Immoral acts, or acts regarded by most persons as immoral even though sanctioned in the name of religion. Among others, polygamy, or the having of more than one wife, is prohibited by law.

Adequate Compensation—Compensation refers to the pay or emoluments received by public officials and public servants. Sometimes it is paid in salaries per annum and sometimes in a stipulated amount for each day of service. The word adequate refers to the completeness, or lack of completeness, of what they get for the services rendered. Compensation may be more than money pay; it may involve honor and prestige as well.

Administrative Boards—Groups of public officials, regarded as experts, who carry out the laws pertaining to a certain matter. Each state has many such boards or commissions.

Administrative Officers—Minor officials of the executive department whose special duty it is to carry out provisions of law. They may be members of administrative boards.

Admitted to Bail—Persons accused of certain crimes may give bail and thus be freed from imprisonment until their trial occurs. They are said to be admitted to bail or to have given bond for appearance at court on the date set for trial.

Aliens—Unnaturalized foreigners residing here or citizens owing allegiance to another country.

American Union—A term applied to the United States of America made up as it now is of forty-eight states.

Anglo-American—American citizens of English descent. The term is sometimes used to distinguish English speaking citizens from Spanish-Americans in the west.

Anglo-Saxon Heritage—A priceless possession of law and custom which we have received from our mother country, England. It consists of free government and personal liberty, together with the sanctity of private property, all of which took centuries of struggle to establish.

Appeal—Taking a case to a higher court because of dissatisfaction with the decision of a lower court.

Appropriation Bills—Bills before the Legislature designating sums of money to be spent and indicating for what they are to be spent.

Anti-Injunction—Anti means against and injunction refers to a certain court writ; therefore anti-injunction would mean opposition to the issue of the writ of injunction by the courts.

Arbitrary Imprisonment—Imprisonment without legal process, such as that done by an officer of the law through spite, or for personal reasons.

Arizona Code—The word code has reference to a body of laws. The Arizona Code includes all the acts of legislation for this State to be found in any authorized compilation.

Articles of Confederation—The document which constituted our first National Constitution, framed by a committee of the Continental Congress and ratified by the Legislatures of the Thirteen States.

Articles of Incorporation—Corporations organized under the law are required to have a written instrument showing the details of the organization. These articles are similar to the Constitution of a State but are usually referred to as "articles of incorporation."

Attaches—Legislatures, and other governmental bodies, have need of assistants to do clerical work and the like. Such helpers are commonly called attaches.

Australian Ballot—A ballot provided by law in most of the States of this country whereby secrecy is assured to the voter. Intimidation and bribery have been greatly reduced by the secret ballot.

Authority of Law—Done according to law in such a way as to be upheld by the courts.

Avenging Judge—A former generation had, as one conception of God, an awe inspiring judge, seated on a great white throne who punished every sin fully and completely.

Base Line—A line drawn east and west through the initial point of land survey systems. Townships are numbered north and south from it.

Basic Law—A law that is at the foundation of our government—referring specifically to the Constitution.

Bi-cameral—Means literally two chambers. It pertains to a law making body made up of two houses as most of ours are.

Bill—An act of legislation in the process of enactment. When duly enacted it is called a law.

Bill of Rights—In English history it refers to the document which William and Mary were forced to agree to before they became rulers of England in 1689. In American history it means a summary of the rights and privileges guaranteed to the people by the Constitution.

Black List—A list of the names of former employees against whom the person or corporation making such a list has some grievance or ill will.

Board of Pardons—Called officially Board of Pardons and Paroles. It is made up of three members, considers applications for clemency, and makes recommendations to the Governor for clemency.

- Board of Regents**—A board having charge of an institution of higher learning. Here it has charge of the university.
- Campaign Expenditures**—Sums of money spent by candidates or their friends to obtain election.
- "Carpet-Bag" Rule**—The rule of public officials who are sent from a distance and who are not chosen by the people over whom they rule.
- Charters**—Historic documents, such as the Great Charter of 1215 and the Bill of Rights of 1689 in English history, and the various bills of rights found in the American Constitution.
- Circulating a Petition**—Passing a petition around among the voters. This is done to secure enough signatures to make it acceptable to the Secretary of State or other officials to whom it must be presented.
- Citizenship**—Membership in the State or Nation as one who rightfully belongs to the group according to law.
- Citizens of the United States**—Residents of this country who were born here or who owe allegiance to our government. Such citizens are also citizens of the State in which they reside.
- City Council**—The legislative part of a city government. Under the commission plan, it consists of the officials who run the city affairs.
- Civil Servants**—Public officials holding offices under the government which are not connected with the army and the navy.
- Class Distinction**—Recognizing people according to their power or importance thus dividing them into classes. Our theory is that all are equal before the law, and that social distinctions should be based only upon the public good. Democracy implies equality.
- Commission**—A group of officials presumably expert in their line to study or carry out specific activities of government. A commission is used in contra-distinction to an individual where it is regarded that a committee or commission can do the work better.
- Committee of the Whole**—A legislative body, having the same membership as the body itself, meeting as a committee. This is done that different rules may be followed and greater freedom of action permitted.
- Common Carriers**—All transportation agencies which have been recognized by law, such as railroads, steamships, bus lines, and the like.
- Common Law Doctrine**—Provisions of the common law which have been greatly stressed and commonly followed by the courts.
- Commonwealth**—A word practically synonymous with our word "State" and usually applied to a people united under free and democratic form of government.
- Compensation**—The reward given for goods or services. Some officers are paid compensation in the form of annual salaries and some receive an allowance of so much per day for active service.

- Compulsory Processes**—Means by which individuals can be compelled to come to court to testify, or to serve as witnesses.
- Conference Committee**—A joint committee made up of the members of both houses of the Legislature. The purpose of this committee is to consider bills over which there has been disagreement.
- Conservatives**—Those who fear sweeping changes.
- Constitutional Convention**—A group of delegates elected to write or revise a constitution. The most important Constitutional Convention in American history met in the summer of 1787 at Philadelphia and framed the present Constitution of the United States.
- Constitutional Government**—The system of civil government arising out of and conforming to the Constitution. It must not be construed too strictly, as we have features of government not mentioned in the Constitution. In course of time custom and precedent form what is called an "unwritten constitution."
- Constitutional Obligation**—A provision of the Constitution requiring something of an official or a citizen.
- Contempt of Court**—A legal term implying such a lack of respect for and opposition to a court as to interfere with its proper working.
- Corrupt Practice Acts**—Laws to minimize political corruption in connection with elections. Such laws usually limit the amount of money that may be spent by candidates and require publicity of campaign expenditures.
- County Seat**—The capital of the county where the courthouse is located.
- Court of Record**—A court which keeps a verbatim account of its proceedings. In Arizona, courts above the justice of the peace courts, are so designated.
- Custodian of the Great Seal**—The Secretary of State is so called because he has this seal in charge, and affixes it, according to law, to legal documents.
- Declaration of Rights**—That part of the Arizona Constitution which might be called the Bill of Rights and which sets forth the rights and privileges of the citizens.
- Direct Primary**—A method of nominating candidates directly by a vote of the members of a political party rather than by a convention.
- Distribution of Powers**—A division of the powers of the State government into three great departments, executive, legislative and judicial.
- Draft**—A military act which compels performance of military service by all able bodied men within certain age limits.
- Due Process of Law**—Carrying out the law in a legal manner such as would be approved by a court.
- Elective Official**—One chosen by the qualified voters as distinguished from one appointed by a superior officer.
- Electorate**—A term applied to the whole body of voters.

Election Returns—The legal report of an election showing candidates elected and votes for each.

Eminent Domain—The right and power of the government to take private property for public use by paying just compensation for it.

Enabling Act—An act of Congress authorizing a Federal territory to draft a State Constitution when it desires admission as a State.

Essence of Liberty—The spirit of liberty as distinguished from the hollow form of liberty.

Established Church—A tax-supported, State church, authorized by law.

Ex-Officio—"Because of the Office." An ex-officio member is one who holds his position because he has a related office. For example the State Superintendent of Public Instruction is quite often a member of the State Board of Education.

Extreme Democrat—A member of the Democratic party who looks toward reforms regarded by other Democrats as unwise or dangerous.

Federal Government—A government whose powers are divided between a central government and two or more State governments. In the United States this power is divided between the central government and forty-eight State governments.

Felony—A serious crime which may be punished by imprisonment in State prison or death, such as arson, manslaughter, grand larceny and forgery.

Financial Agent—One who handles money for another.

"Forty-Niners"—Adventurers who crossed the continent to California in 1849 in search of gold. Many of them crossed Arizona and some of them returned to Arizona to search for gold and silver.

Franchise—An agreement between a corporation or an individual and a city by which the company or person agrees to give public service in return for the rights given by the city. Transportation may be given by a street railway company in return for the right to lay its tracks in the city streets. The duties and privileges of both the city and the company are stated in the franchise.

Frontier—A term applied in this country to the outer edge of civilization and settled communities. Arizona was long a part of the northern frontier of New Spain, and until recently, it has been regarded as part of the western frontier of the United States.

Functions of Government—Are those acts of government which are usually regarded as that which the government should do.

Fundamental Law—A term usually applied to a Constitution, or to a law which is the supreme law of the community.

Gadsden Treaty—A treaty between the United States and Mexico, negotiated by the American Agent, Mr. Gadsden, and by which we

obtained a strip of land lying south of the Gila River at a cost of \$10,000,000.

Geographical Lines—Such lines as surveyors run, based on astronomical observations. The meridians of longitude and parallels of latitude are such lines.

Great Register—The book in which are recorded the names of registered voters within a prescribed district.

Habeas Corpus—A writ issued by a court, ordering some person, illegally imprisoned, to be brought before the court. Since the passage of the Habeas Corpus Act in 1679 the habeas corpus procedure has safeguarded personal liberty in English speaking lands.

Hand Down Decisions—When courts try cases and make pronouncements in the matter, or give a decree, we say they have handed down a decision.

Heavily Bonded—A bond for the faithful performance of duty is required of officials handling public funds. The size of the bond depends upon the degree of responsibility involved. If an official proves unfaithful, the individual or company who executed the bond must pay the amount of money stipulated in the bond.

Highway Department—That department of State government having in charge the building and maintenance of our State highways.

Inalienable Rights—Those rights enumerated in the Declaration of Independence, and all the bills of rights found in our various State constitutions.

Incorporated—A town or city is said to be incorporated when it has met the conditions and complied with the laws that are required to make it a town or city. As a corporation it may sue and be sued and have other legal rights.

Impeachment—A process by which officials who have been guilty of high crimes or misdemeanors may be removed from office. When United States officers are impeached, the House of Representatives makes the charge and the Senate tries the case.

Initial Point—That point at which the base line intersects the principal meridian of a survey system. In Arizona the initial point is a small butte a few miles southwest of Phoenix at the junction of the Gila and the Salt Rivers.

Initiate a Law—To circulate a petition in order to get the necessary percentage of voters to sign so that the Secretary of State may put the proposal on the ballot to be voted on at the polls.

Institutions—Under this term we refer to the university, the teachers' colleges, the hospital for the insane, the colony for the feeble-minded, the school for the blind, the state prison and such like establishments created and maintained by the State.

Judge-made Laws—A name sometimes given to the common law because it consists of decrees and opinions of judges.

- Judicial Powers**—The powers, prerogatives and privileges of our courts.
- Judicial Recall**—That provision in the State Constitution enabling the people to vote a judge out of office if a recall election has been called against him.
- Judiciary Article**—That article of the State Constitution (Article VI) which outlines the system of State courts.
- Jurisdiction**—Those things over which a court has legal say. It may pertain to matters of law, or it may pertain to the district over which the courts' decrees have force.
- Jury Trial**—A trial before a jury of twelve, or some other number of jurors, as distinguished from a trial before a judge alone.
- Law**—A rule of civil government formally established by some duly constituted law making body, such as a State Legislature or a city council, or by the direct vote of the people.
- Legal Deed**—A written instrument, drawn according to law and conveying the title to a piece of land. A deed is an evidence of ownership.
- License**—A legal permit.
- Lieutenant Governor**—An official to be found in most States who takes the place of the governor under the same conditions that the vice-president takes the place of the president. Arizona has no lieutenant governor.
- Local Government**—Government near home, such as city or county government in contra-distinction to the government of the State. If we think of the United States as a whole, local government may refer to that of the State in contra-distinction to the government at Washington.
- Majority Vote**—A decision of the voters carried by more than half the votes cast.
- Mandatory Provisions**—Provisions of a constitution which must be carried out, leaving no option to the administrative officers.
- Mexican Cession**—That land which our country obtained from Mexico at the close of the Mexican War, extending from Texas to the Pacific Ocean and from the 42nd parallel of north latitude to the Gila River.
- Military Government**—A term used in contra-distinction to civil government. It is resorted to when conditions become so bad that civil authorities cannot maintain order and it is necessary to declare martial law and turn the control over to the military forces.
- Militia**—In its broadest application all able-bodied men between the ages of eighteen and forty-five capable of military service. In its narrower sense, that organized force of military men known as the National Guard.
- Minor Offense**—A crime less than a felony which is punishable by a fine or jail sentence. In other words, a misdemeanor.

Misdemeanor—Any crime for which the law provides punishment less than that of imprisonment in the penitentiary.

Mother of Counties—A term applied to the original Yavapai County because it was the largest county in Arizona, and out of which several other counties have been carved.

Municipal—Pertaining to towns and cities.

National Army—The army of the United States as distinguished from the State Militia.

Nominating Conventions—Conventions where the delegates of a political party meet to nominate the candidates for their party.

Non-political Judicial Ballot—The ballot containing the names of judges to be voted on and so arranged that the party membership of the judges cannot be determined. Arizona has such a judicial ballot for judges above the rank of justice of the peace.

Old Line Parties—The two major parties, the Democratic and the Republican, which have controlled political affairs for a number of years.

Organic Act—Here used to mean the Act of Congress of 1863 which created Arizona Territory.

Outlet to the Sea—With us it refers to a port on the Gulf of California which Arizona does not have but has long wanted.

Ordinance—Usually applied to a local law, such as the law of a city council.

Per Capita—Two Latin words meaning "by the head."

Per Diem Allowance—The words per diem in Latin mean, "by the day."

Permanent School Fund—A fund derived from the sale of school lands and from other sources. Only the proceeds of this fund can be used for educational purposes.

Pleas for Clemency—Requests directed to the Board of Pardons asking that leniency be shown and a pardon or parole granted.

Pocket Veto—When the executive kills a bill passed by the lawmakers by allowing it to lie on his desk a certain number of days after the legislative body adjourns, it is called a "pocket veto."

Political Subdivisions—Divisions of the United States into States, or the division of a State into Congressional districts, counties, etc. The term also applies to the division of counties into supervisory districts, or cities into wards, precincts, and the like.

Polls—A place where voting is done.

Preamble—The part of a constitution giving the reasons for adopting it. It is the introduction to the constitution.

Precinct—A small area used chiefly for voting purposes.

Preliminary Examination—The hearing given a prisoner before a magistrate, or lower court, before he is tried in a superior court.

- Preliminary Hearing**—The first trial given before a magistrate. This is to determine whether one thought to have committed crime shall be bound over to the superior court for trial.
- Primary Elections**—Elections held within a party to determine what officials the members of that party wish to nominate for office.
- Primogeniture**—A rule of inheritance that gives the property to the oldest son.
- Principal Meridian**—A line drawn north and south through the initial point of a survey system. In Arizona it is called the Gila and Salt River Principal Meridian because it passes through a butte at the junction of these two rivers.
- Public Domain**—All the land belonging to the United States Government which has not yet passed into private ownership.
- Public Utilities**—Such things as street railways, electric lighting systems, gas companies, etc., which furnish modern service to the public.
- Publicity Pamphlet**—A booklet containing the full text of the measures to be voted upon at a coming election. Some weeks before the election the Secretary of State mails a copy to every registered voter.
- Qualified Voter**—One who is registered and otherwise legally entitled to vote. The term "qualified elector" means the same.
- Range**—A row of townships running north and south, and extending entirely across this State.
- Recall**—Removal of an officer from his position by popular vote. This action is usually initiated by a petition and voted upon by the people at an election held for that purpose.
- Recall Election**—A special election called under the law to determine whether an official shall continue in office or be replaced by another.
- Recall Provision**—That portion of the State Constitution providing that special recall elections may be held.
- Rectangular System of Survey**—The present system of surveying land prevalent in this country since 1784, and authorized by acts of Congress.
- Referendum**—The right of the people to approve or reject, by popular vote, measures passed by a legislative body or proposals to amend the State Constitution.
- Registered Voters**—Voters who are legally entitled to vote in Arizona have their names registered.
- Registration Law**—The law requiring registration of voters.
- Regular Election**—The election held on the first Tuesday after the first Monday of November every even-numbered year—used in contra-distinction to special elections.
- Regular Session of State Legislature**—Our State Legislature meets biennially, convening on the first Monday of January of the odd numbered years. Other sessions are called Special Sessions.

- Release on Bond**—To free one from imprisonment until his trial occurs, on condition that he furnish surety that he will appear at trial.
- Reserved Powers**—A term used in contra-distinction to delegated powers. Reserve means to hold back, and delegate means to grant. In our scheme of government, as a rule, a State has more reserved powers of government and the nation more delegated powers.
- Reverse the Case**—When a higher court hears a case on appeal from a lower court and has a finding or decision differing from that of the lower court, the case is said to have been reversed.
- Revised Code**—The name applied to our book of laws after they have been brought down to date by the elimination of all repealed laws.
- Right of Petition**—One of the inalienable rights of Anglo-Saxon peoples to ask their government for the correction of an evil.
- Rotation in Office**—Refers to the practice of limiting officials to one term of office only. Since 1830 many states have provided in their constitutions that certain officials should not be elected twice in succession to the same office.
- Riparian Water Rights**—The old water law common in the east which gave the owners of the banks of the stream great control over it.
- Sanctity of Contract**—Along with the protection of individual liberty, our fathers thought wise to protect private property, and in keeping with that idea held that contracts were necessary and that they should be enforced by law.
- School Lands**—A body of land set aside within the State, the proceeds of which must go to public education. It consists chiefly of the second, sixteenth, thirty-second and thirty-sixth sections in each township, together with other grants of land to educational institutions.
- Secret Ballot**—Any provision which enables a voter to vote without his preferences being made known. The Australian ballot is a secret ballot.
- Section**—A unit of land survey, being one thirty-sixth part of a Congressional township and containing 640 acres.
- Selective Veto**—That kind of a veto which permits the executive to disapprove a part of an appropriation bill without vetoing the whole bill.
- Separation of Powers**—Refers to the division of powers between the three great departments of government—the executive department, the legislative department and the judicial department.
- Social Justice**—A phrase kept prominently in the public minds by the press during the past two decades. It is a call for special acts of legislation and for administration which will result in bettering the lot of the oppressed, and in greater good to a larger number of our people.

Sovereign Power—The highest source of civil power or authority within the State or nation. According to our theories sovereign power resides with the people.

Standing Army—An army kept ever in readiness for instant action.

State Bar—An association of lawyers licensed to practice law within the State.

Sub-executives—Minor officials in the executive department.

Suffrage—The privilege of voting.

Supreme Law—Term usually applied to the Constitution because it is the highest civil law.

Tax Supported—Institutions provided for by law and supported out of the public treasury are said to be "tax supported."

Territorial Days—Refers to a time prior to statehood while Arizona was yet a territory of the United States.

Territory—May be used in general to indicate any particular region, but applied specifically to a definite part of our national domain organized into a territory of the United States. A Federal Territory is a form of political organization which all of our States, excepting fourteen, have passed through before they became States.

Township—As used in this book it means a unit of land survey approximately six miles square, that is, a Congressional township.

Treason—The highest crime that may be committed against a state. It is narrowly defined as making war against one's country or giving aid and comfort to its enemies.

Unamendable Constitution—A constitution that makes no provision for its own amendment, or one which has a provision so difficult to use as to be impracticable.

Unanimous Verdict—A decision arrived at and concurred in by all concerned. In this State all twelve of the jurors must agree in order to hand in a verdict of guilt.

Unconstitutional Search Warrants—Those contrary to the spirit of our laws, and which give too much power to officials, such as the writs of assistance in colonial times.

Union of Powers—Just the opposite of "separation of powers," but usually implies a joining of the legislative and executive departments of government and not necessarily all three.

Verbatim Report—An accurate, word by word, record of all that was said in the proceedings referred to.

Veto—The Latin for, "I forbid." The power of the executive to check legislation.

Vote Slacker—One who neglects his civic duty of voting.

Without Recourse—Meaning to have no legal remedy or lawful way of changing the matter.

Woman Suffrage—The granting of the privilege of voting to women.

Workmen's Compensation Law—A law providing compensation for workmen or their heirs for injury received, or for death by accident, while in certain employment. This plan decreases the number of damage suits requiring court settlement.

Writs of Assistance—Writs issued by colonial magistrates to enable British officers to search American houses for smuggled goods. The opposition of the American colonists to these writs helped bring on the Revolutionary War.

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